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Monday
June 11, 1984

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Environmental Protection Agency

Air Transportation
Federal Aviation Administration

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Animal and Plant Health Inspection Service

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Animal and Plant Health Inspection Service

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Flood Plains
Engineers Corps

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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.

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Rules and Regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 420

[Docket No. 0840S; Amdt. No. 3]

Grain Sorghum Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Grain Sorghum Crop Insurance Regulations (7 CFR Part 420), effective with the 1983 and succeeding crop years by: (1) Prescribing the interest rate to be charged when premium payments are not made within a certain time; (2) adding a provision to require the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable and leave intact a representative sample of the unharvested crop; (3) adding a provision to allow coverage of grain sorghum planted on non-irrigated acreage following another crop; (4) restoring a provision to prescribe the liability to be assumed by FCIC for losses due to fire when the insured has other such insurance against fire losses; and (5) making minor changes in language and format. The intended effect of this rule is to revise the system of reporting losses, establish liability for losses by fire, allow coverage of grain sorghum planted on non-irrigated acreage following another crop, improve the debt management practices of FCIC.

DATE: These amendments are applicable only to the 1983 crop year and are effective July 11, 1984.

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 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 November 26, 1984.

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 rules 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 Thursday, August 19, 1982, FCIC published a notice of proposed rulemaking to amend the Grain Sorghum Crop Insurance Regulations (7 CFR Part 420) with the following changes:

1. Replacement of the single-crop application found in 7 CFR 420.7(d) by a multi-crop application designed to reduce the paperwork and time on the part of the applicant.

2. Revision of 7 CFR 420.7, Terms and Conditions, to provide for insuring grain sorghum on non-irrigated acreage following another crop—a provision not currently in the policy—and to state no coverage is offered on a second grain sorghum crop planted on the same acreage in the same crop year.

3. Revision of 7 CFR 420.7, Terms and Conditions, to provide that, for the 1983 and succeeding crop years, unpaid premiums will bear interest at the rate of one and a half percent (1½%) simple interest per calendar month, or any part thereof, starting on the first day of the month following the first premium billing date.

4. Addition to paragraph 7 of 7 CFR 420.7(d), Terms and Conditions, to provide that if a crop is damaged to the extent that a loss is probable, the insured is required to give notice of damage at least 15 days prior to the beginning of harvest. If a probable loss is not determined until less than 15 days prior to the beginning of harvest, such notice shall be given immediately and the insured must leave intact a sample of the unharvested crop for 15 days after the date of the notice.

5. Addition to Section 11 to the Appendix to the Policy to provide that FCIC will assume liability for loss due to fire for only the smaller of the indemnity according to the contract with FCIC, or the amount by which the indemnity exceeds that payable under other such insurance.

In addition to these changes, FCIC makes minor corrections to language and format.

The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, the proposed rule published at 47 FR 36214 (Thursday, August 19, 1982), is hereby adopted as final.

7 CFR Part 420 was amended on December 13, 1983, 48 FR 55411, Amdt. 4. Amendment 4 is applicable to the 1984 and succeeding crop years. Amendment 3 contained herein is applicable only to the 1983 crop year. The amendments contained herein will not be reflected in the Code of Federal Regulations.

List of Subjects in 7 CFR Part 420

Crop insurance, Grain sorghum.

Final Rule

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 hereby amends the Grain Sorghum Crop Insurance Regulations (7 CFR Part 420),

effective for the 1983 crop year, in the following instances:

PART 420—[AMENDED]

1. The authority citation for 7 CFR Part 420 is:

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

2. Section 420.7(d), introductory text is revised to read as set forth below:

§ 420.7 [Amended]

* * * * *

(d) The application for the 1983 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38; first published at 48 FR 1023, January 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Grain Sorghum Insurance Policy for the 1983 and succeeding crop years, are as follows:

* * * * *

3. Section 2 of the Terms and Conditions section of the policy as found in 7 CFR 420.7(d) is revised to read as follows:

§ 420.7 The application and policy.

* * * * *

(d) * * *

Grain Sorghum Crop Insurance Policy

Terms and Conditions

* * * * *

2. *Crop and acreage insured.* (a) The crop insured shall be grain sorghum which is grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre, and which is initially planted to a combine-type hybrid grain sorghum for harvest as grain, as determined by the Corporation.

(b) The acreage insured for each crop year shall be that acreage planted to grain sorghum on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on the acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (3) which is destroyed and after such destruction it was practical to replant to grain sorghum and such acreage was not replanted, (4) initially planted after the date on file in the service office which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, (5) of volunteer grain sorghum, (6) on which it is determined by the Corporation that the sorghum is a forage sorghum or initially thick planted for silage or fodder, (7) of a second grain sorghum crop following a grain sorghum crop harvested in the same calendar year, or (8) planted to a type or variety of grain sorghum not established as adapted to the area or shown as noninsurable on the actuarial table.

(c) Insurance may attach only by written agreement with the Corporation on acreage which is planted for the development or production of hybrid seed or for experimental purposes.

(d) Unless otherwise provided on the actuarial table, insurance shall attach only on acreage initially planted in rows far enough apart to permit cultivation if planted on land not insured on an irrigated basis, as determined by the Corporation; however, if such acreage is destroyed and replanted, after the final planting date, to any grain producing type grain sorghum or in any planting pattern, it shall be regarded as insured acreage and not as acreage put to another use.

* * * * *

4. Paragraph 5(d) of the Terms and Conditions section of the policy as found in 7 CFR 420.7(d) is revised to read as follows:

* * * * *

Grain Sorghum Crop Insurance Policy

Terms and Conditions

* * * * *

5. *Annual Premium.* * * *

(d) Interest will accrue at the rate of one and a half percent (1½%) simple interest per calendar month or any part thereof on any unpaid premium balance starting on the first day of the month following the first premium billing date.

* * * * *

5. Paragraph 7 of the Terms and Conditions section of the Policy as found in 7 CFR 420.7(d) is amended by revising item 7(c), redesignating 7 (d) and (e) as 7 (e) and (f) respectively, and adding a new 7(d) as follows:

* * * * *

Grain Sorghum Crop Insurance Policy

Terms and Conditions

* * * * *

7. *Notice of damage or loss.* * * *

(c) Notice shall be given at least 15 days prior to the beginning of harvest if the grain sorghum on any unit is damaged to the extent that a loss is probable. If probable loss is not determined until less than 15 days prior to the beginning of harvest on a unit, notice shall be given immediately and a representative sample of the unharvested grain sorghum (at least 10 feet wide and the entire length of the field) shall remain intact for a period of 15 days from the date of the notice, unless the Corporation gives written consent to the insured to harvest the representative sample.

(d) In addition to the notices required in paragraphs (b) and (c) of this section, if a loss is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 DAYS* after the earliest of (1) the date the harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire grain sorghum crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if there are extenuating circumstances.

* * * * *

6. Section 1(g) of the Appendix to § 420.7 is revised to read as follows:

* * * * *

Appendix to § 420.7—Additional Terms and Conditions

* * * * *

1. * * *

(g) "Service office" means the office serving your contract as shown on the application for insurance or such other office as may, in writing, be selected by you after approval by us, or designated by us upon written notice to you.

* * * * *

7. Section 6 of the Appendix to § 420.7 is revised to read as follows:

* * * * *

Appendix to § 420.7—Additional Terms and Conditions

* * * * *

6. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The insured shall execute all required documents and take appropriate action as may be necessary to secure such rights.

* * * * *

8. The Appendix to § 420.7 is hereby amended by adding a Section 11 to read as follows:

* * * * *

Appendix to § 420.7—Additional Terms and Conditions

* * * * *

11. *Other Insurance Against Fire.* If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of (a) the amount of indemnity determined by the Corporation under the policy with the Corporation, or (b) the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation.

Done in Washington, D.C., on May 15, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: June 1, 1984.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 84-15389 Filed 6-8-84; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 1250

Egg Research and Promotion—Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment provides for a change in membership on the American Egg Board by geographic area. The changes were recommended and approved by the Board on March 23, 1984. The 18-member Board conducts research, advertising and promotion, consumer education, State support, and producer relations activities under the supervision of the U.S. Department of Agriculture (USDA). The reapportionment of members and alternates will occur in the following areas beginning with the 2-year term 1985–86. Area 2 (South Atlantic)—from 4 to 3; Area 3 (East North Central)—from 2 to 3; Area 5 (South Central)—from 4 to 3; and Area 6 (Western)—from 3 to 4. Areas 1 (North Atlantic) and 4 (West North Central) are unchanged and remain at 3 and 2 members, respectively. Nominations for membership on the Board must be submitted no later than September 1, 1984.

EFFECTIVE DATE: June 11, 1984.

FOR FURTHER INFORMATION CONTACT: Janice L. Lockard, Office of the Director, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 382–8132.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been reviewed under the provisions of Executive Order 12291 and Secretary's Memorandum 1512–1 of USDA. It has been determined that it is not a major rule because it will have no effect on the economy; it will not result in an increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; nor will it have significant effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The purpose of the rule is merely to change representation on the American Egg Board by geographic area.

Effect on Small Entities

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Information Collection Requirements and Recordkeeping

Information collection requirements and recordkeeping provisions contained in 7 CFR Part 1250 have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35. Part 1250 has been assigned OMB No. 0581–0098.

Background

The Egg Research and Promotion Order (7 CFR 1250.301–1250.363) established pursuant to the Egg Research and Consumer Information Act, as amended (7 U.S.C. 2701 et seq.), provides in section 1250.328(d) that any changes in representation on the American Egg Board be determined by the percentage of total U.S. egg production in each of the 6 geographic areas. The Board is authorized 18 members, and representation in each of the 6 areas is based on egg production in the area. The order further provides in section 1250.328(e) that the Board or designated agency shall conduct periodic reviews of production by geographic area at any time, not to exceed 5 years, to assure that representation on the Board, insofar as is practicable, is fair and equal.

During the development of process of the order in 1975, the 48 contiguous States of the United States were divided into 6 geographic areas for purposes of determining proportionate representation on the Board. The areas correspond with those used by the Statistical Reporting Service, USDA, for some egg industry statistics. The areas are composed of the various States as follows: Area 1 (North Atlantic) Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, New Jersey, Maryland, and the District of Columbia; Area 2 (South Atlantic) Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida; Area 3 (East North Central) Ohio, Indiana, Illinois, Michigan, and Wisconsin; Area 4 (West North Central) Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas; Area 5 (South Central) Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; Area 6 (Western) Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Washington, Oregon, and California.

The production data available in 1975 were used to establish the percentage of U.S. egg production in each area. Since that time, egg production has gradually declined in the South Atlantic and South Central areas and has increased in the East North Central and Western areas. This shift in egg production has been reviewed for the past 3 years by the Agricultural Marketing Service, USDA, in collaboration with the American Egg Board to verify consistency in trends and reconcile available data. As a result of reviews, the Board submitted a recommendation to the Secretary in accordance with section 1250.328(e) of the order for the reapportionment of members and alternates in four of the six areas. The following changes are based on 1983 production statistics released by the Statistical Reporting Service, USDA.

U.S. TABLE EGG PRODUCTION

Area	Reported cases in thousands	Percent of egg total	Percent of egg total times 18	Revised board membership	Current board membership
No. 1: North Atlantic	28,464	16.810	3.026	3	3
No. 2: South Atlantic	29,675	17.526	3.155	3	4
No. 3: East North Central	29,430	17.381	3.128	3	2
No. 4: West North Central	20,056	11.845	2.132	2	2
No. 5: South Central	29,808	17.605	3.169	3	4
No. 6: Western	31,889	18.833	3.390	4	3
Total	169,322	100.000	18.000	18	18

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking and to delay the effective date of this rule until 30 days after publication (5 U.S.C. 553). Section 1250.328(d) of the order mandates that membership on the Board by geographic area shall be based on the percentage of U.S. egg production in

each area and the changes made herein are based on the official government statistics. The Board's recommendation for reapportionment has been widely publicized through the trade press and informational mailings to producers and prompt action is necessary so that nominations can be considered by the numerous regional certified organizations during their summer meetings.

List of Subjects in 7 CFR Part 1250

Egg research, Egg promotion, Fowl.

Accordingly, under authority of the Egg Research and Consumer Information Act, as amended (7 U.S.C. 2701 et seq.), the U.S. Department of Agriculture hereby amends the Egg Research and Promotion Rules and Regulations (7 CFR Part 1250) as set forth below:

PART 1250—EGG RESEARCH AND PROMOTION, RULES AND REGULATIONS

In Part 1250, a new section 1250.510 is added to read as follows:

§ 1250.510 Determination of Board Membership.

Pursuant to § 1250.328 (d) and (e) of the order, Board representation among the 6 geographic areas is reapportioned to reflect a change in the percentage of United States egg production in each area times 18 (total Board membership). The number of members of the Board, and their alternates who shall be appointed from each area, beginning with the 2-year term 1985–86, are: Area 1–3, Area 2–3, Area 3–3, Area 4–2, Area 5–3, and Area 6–4.

(88 Stat. 1171, as amended; 7 U.S.C. 2701 et seq.)

Done at Washington, D.C., on June 5, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84–15541 Filed 6–8–84; 8:45 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 2012

Audits and Investigations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is removing from the Code of Federal Regulations (CFR) its regulation regarding audits. The intended effect of this action is to remove these regulations from the CFR since they involve only internal Agency management.

EFFECTIVE DATE: June 11, 1984.

FOR FURTHER INFORMATION CONTACT: George S. W. Marvin, Operations Review Officer, Planning and Analysis Staff, USDA, FmHA, Room 4116, South Building, Washington, D.C. 20250, Telephone (202) 475–5979.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291 and has been determined to be exempt from those requirements because it involves internal agency management. FmHA's regulation regarding audits of its internal activities pertains to only actions by FmHA officials. No requirements are placed on the public nor is the public affected by this regulation. Therefore, removing this strictly administrative regulation from the CFR involves only internal Agency management.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exception in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of this action involves only internal Agency management and publication for comment is unnecessary.

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G "Environmental Program." FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190 an Environmental Impact Statement is not required. This action does not directly affect any FmHA programs or projects which are subject to intergovernmental consultation.

List of Subjects in 7 CFR 2012

Accounting, Audit.

PART 2012—[RESERVED]

Accordingly, Chapter XVIII, Title 7, Code of Federal Regulations, is amended by removing and reserving Part 2012.

(5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1488; Sec. 10, Pub. L. 93–357, 88 Stat. 392; 7 CFR 2.23, 7 CFR 2.70) (29 FR 14764, 33 FR 9854)

Dated: June 4, 1984.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 84–15542 Filed 6–8–84; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records; Public Charge Bonds

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The rule requires the district director to cancel a public charge bond posted on behalf of an immigrant following review after the fifth anniversary of an immigrant's admission to the United States, unless the immigrant became a public charge within five years of admission for permanent residence. This change reduces the liability of an obligor from the current indefinite period of a period of five years, which coincides with the limit of liability of an immigrant to deportation as a result of becoming institutionalized at public expense.

EFFECTIVE DATE: July 11, 1984.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048

For Specific Information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3946

SUPPLEMENTARY INFORMATION: Public charge bonds are required of certain immigrants to the United States in order to assure the government that the immigrant will not become a public charge which would render the immigrant excludable under section 212(a)(15) of the Immigration and Nationality Act, 8 U.S.C. 1182(a)(15). An immigrant is excludable if found likely to become a public charge prior to entry into the United States. An immigrant becomes deportable under section 241(a)(3) of the Act, 8 U.S.C. 1251(a)(3), if institutionalized at public expense within five years after entry as a result of a disease or mental defect in

existence prior to the immigrant's entry. The current regulation at 8 CFR 103.6(c)(1) provides for cancellation of the bond if review shows that the alien has not become a public charge or the alien immigrant has died, departed permanently from the United States or become naturalized, or if the Service is satisfied that the alien will not become a public charge.

The Service published a proposed rule on February 14, 1984, 49 FR 5622, to limit the obligor's liability to five years. No public comments were received on this proposal. The Service believes that the public will be adequately protected by limiting the duration of liability of public charge bonds to a five-year period, which parallels the deportation liability. This shortened period also appears to be reasonable jeopardy to impose upon the obligor. If an arriving immigrant is self-sustaining for a five-year period, it is not probable that the alien will become a public charge after the five years. Also, it is unlikely that the reason for becoming a public charge will be based upon factors in existence prior to admission as an immigrant. This final regulation provides that a public charge bond will be cancelled if a Service district director finds that the immigrant did not become a public charge within five years following admission. This regulation makes it clear that the district director must review each public charge bond as quickly as possible following the fifth anniversary and cancel the bond if Form I-356, Request for Cancellation of Public Charge Bond, has been filed and the evidence indicates that the immigrant did not become a public charge prior to the fifth anniversary of the immigrant's admission to the United States.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have significant economic impact on a substantial number of small entities because only a few hundred public charge bonds are posted yearly.

This is not a major rule within the definition of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Archives and records, Authority delegations (government agencies), Bonding, Forms, Surety bonds.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

In § 103.6, paragraph (c)(1) is revised as follows:

§ 103.6 Surety bonds.

* * * * *

(c) *Cancellation*—(1) *Public charge bonds.* A public charge bond posted for an immigrant shall be cancelled when the alien dies, departs permanently from the United States or is naturalized, provided the immigrant did not become a public charge prior to death, departure, or naturalization. The district director may cancel a public charge bond at any time if he/she finds that the immigrant is not likely to become a public charge. A bond may also be cancelled in order to allow substitution of another bond. A public charge bond shall be cancelled by the district director upon review following the fifth anniversity of the admission of the immigrant, provided that the alien has filed Form I-356, Request for Cancellation of Public Charge Bond, and the district director finds that the immigrant did not become a public charge prior to the fifth anniversary. If Form I-356 is not filed, the bond shall remain in effect until the form is filed and the district director reviews the evidence supporting the form and renders a decision to breach or cancel the bond.

* * * * *

(Sec. 103 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103)

Dated: May 24, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84-15551 Filed 6-10-84; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 81

[Docket No. 84-048]

Lethal Avian Influenza

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the Lethal Avian Influenza interim rule by reducing the area designated as a quarantined area in Pennsylvania because of lethal avian influenza. The quarantined area is changed by deleting portions of Adams, Dauphin, Cumberland, and York Counties from the quarantined area (with this change all of Cumberland County is outside of the quarantined area). The quarantined area was established as part of a mechanism to help prevent the spread of lethal avian influenza. However, it is no longer necessary to quarantine the deleted area for such purpose.

DATES: Effective date is June 7, 1984. Written comments must be received on or before August 10, 1984.

ADDRESS: 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. William W. Buisch, Chief, National Emergency Field Operations Staff, VS, APHIS, USDA, Room 747, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION:

Background

This document amends the "Lethal Avian Influenza" interim rule which is set forth in 9 CFR Part 81 (48 FR 51422-51423, 51798, 52420-52427, 52885-52887, 53586, 53678-53679, 53679-53681, 53997, 54574-54575, 55402-55405, 55722, 57474-57475, 49 FR 368-369, 2742-2744, 3494, 3839-3845, 5723-5724, 7978-7979, 8582-8583, 8412-8415, 8582-8583, 13863-13864, 19288-19289, 19500-19501). Among other things, the interim rule designates portions of Pennsylvania and Virginia as quarantined areas and prohibits or restricts certain interstate movements from quarantined areas of poultry, poultry eggs, and other items because of lethal avian influenza.

Lethal avian influenza is defined as a disease of poultry caused by any form of H5 influenza virus that is determined by the Deputy Administrator to have spread from the 1983 outbreak in poultry in Pennsylvania.

Effect of Designation as a Quarantined Area

With certain exceptions, the interim rule provides that the following articles designated as prohibited articles are prohibited from being moved interstate from a quarantined area:

(1) Live poultry,

(2) Manure from poultry, and

(3) Litter that has been used by poultry.

The interim rule also provides, with certain exceptions, that the following articles designated as restricted articles are allowed to be moved interstate from a quarantined area only in accordance with certain conditions:

(1) Poultry carcasses or parts thereof,

(2) Eggs from poultry, and

(3) Coops, containers, troughs or other accessories that have been used in the handling of poultry or poultry eggs.

Reduction of Quarantined Area in Pennsylvania

Prior to the effective date of this document, the quarantined area in Pennsylvania included all or portions of Adams, Berks, Chester, Cumberland, Dauphin, Lancaster, Lebanon, Schuylkill, and York Counties.

This quarantined area in Pennsylvania was described as:

That portion of Pennsylvania beginning at the intersection of the Franklin-Adams County Line with the Pennsylvania-Maryland State Line; then northerly along the Franklin-Adams County Line to the Franklin-Cumberland County Line; then northwesterly along the Franklin-Cumberland County Line to its intersection with Interstate Highway 81; then northeasterly along Interstate Highway 81 to its intersection with the Susquehanna River; then northeasterly along the Susquehanna River to its intersection with PA Highway 325; then northeasterly along PA Highway 325 to its intersection with U.S. Highway 209; then northeasterly along U.S. Highway 209 to its intersection with PA Highway 61; then southeasterly along PA Highway 61 to its intersection with Interstate Highway 78; then northeasterly along Interstate Highway 78 to its intersection with the Berks-Lehigh County Line; then southeasterly along the Berks-Lehigh County Line to its intersection with the Berks-Montgomery County Line; then southwesterly along the Berks-Montgomery County Line to its intersection with U.S. Highway 422; then southeasterly along U.S. Highway 422 to its intersection with PA Highway 100; then southerly along PA Highway 100 to its intersection with the Pennsylvania-Delaware State Line; then southwesterly along the Pennsylvania-Delaware State Line to its intersection with the Pennsylvania-Maryland State Line; then westerly along the Pennsylvania-Maryland State Line to its intersection with the Franklin-Adams County Line.

This document reduces the quarantined area in Pennsylvania by deleting all of the previously quarantined area in Cumberland County, a portion of the city of Harrisburg in Dauphin County, all of Adams County except for an area of less than 10 square miles, and all of York County except for an area of less than 10 square miles.

The poultry on all infected premises in these areas removed from quarantined area status have been depopulated. Also, extensive surveys conducted on all commercial poultry and a substantial portion of the backyard flocks in these areas removed from quarantined area status indicate no lethal avian influenza virus or antibodies exist in these areas. Under these circumstances there is no longer a basis for imposing prohibitions or restrictions because of lethal avian influenza on the movement of live poultry or other items from any area removed from quarantined area status.

Previously, the quarantined area in Pennsylvania was one contiguous area. However, with the changes made by this document, the small areas that remain quarantined in Adams County and York County are separate from the rest of the quarantined area, which is a contiguous area in Berks, Chester, Dauphin, Lancaster, Lebanon, and Schuylkill Counties.

It is necessary to retain a small area in Adams County as a quarantined area because of one premises which contains poultry which have antibodies indicating they were infected with lethal avian influenza. In order to adequately protect against the spread of lethal avian influenza, it is necessary to include this premises in a quarantined area until adequate measures are taken to ensure that the premises is free of lethal avian influenza virus. Further, it has been determined that under these circumstances there is adequate protection if the quarantined area has easily understood boundary lines, includes the premises containing the poultry with antibodies, and includes at least a one-mile buffer zone in every direction from the premises. The small area in Adams County which is retained as a quarantined area meets these criteria. This area is described below.

It is also necessary to retain a small area in York County as a quarantined area because of one premises which was found to have poultry infected with lethal avian influenza. No poultry remain on this premises and the premises has been cleaned and disinfected. However, sufficient time has not elapsed to ensure that this premises is indeed free of lethal avian influenza virus. It has been determined that under these circumstances there is adequate protection if the quarantined area has easily understood boundary lines, includes the premises which may have reservoirs of the virus, and includes at least a one-mile buffer zone in every direction from the premises. The small area in York County which is retained as a quarantined area meets these criteria. This area is described below.

Accordingly, it is necessary to revise the quarantined area in Pennsylvania to read as follows:

(a)(i) The following area in Adams County is designated as a quarantined area: That portion of Pennsylvania, beginning at the junction of Heidlersburg Road and Carlisle Road; then southerly along Carlisle Road to its intersection with Brookside Lane; then easterly along Brookside Lane to its intersection with Rentzel Road; then southerly along Rentzel Road to its intersection with Oakhill Road; then easterly along Oakhill Road to its intersection with Stone Jug Road; then northerly along Stone Jug Road to its intersection with Heidlersburg Road; then westerly along Heidlersburg Road to its intersection with Carlisle Road.

(ii) The following area in Berks, Chester, Dauphin, Lancaster, Lebanon, and Schuylkill Counties is designated as a quarantined area: That portion of Pennsylvania beginning at the intersection of the eastern bank of the Susquehanna River with the Pennsylvania-Maryland State Line; then northwesterly along the eastern bank of the Susquehanna River to its intersection with Interstate Highway 83; then east and north along Interstate Highway 83 to its intersection with Interstate Highway 81; then west along Interstate Highway 81 to its intersection with the Susquehanna River; then northwesterly along the Susquehanna River to its intersection with PA Highway 325; then northeasterly along PA Highway 325 to its intersection with U.S. Highway 209; then northeasterly along U.S. Highway 209 to its intersection with PA Highway 61; then southeasterly along PA Highway 61 to its intersection with Interstate Highway 78; then northeasterly along Interstate Highway 78 to its intersection with the Berks-Lehigh County Line; then southeasterly along the Berks-Lehigh County Line to its intersection with the Berks-Montgomery County Line; then southwesterly along the Berks-Montgomery County Line to its intersection with U.S. Highway 422; then southeasterly along U.S. Highway 422 to its intersection with PA Highway 100; then southerly along PA Highway 100 to its intersection with the Pennsylvania-Delware State Line; then southwesterly along the Pennsylvania-Delaware State Line to its intersection with the Pennsylvania-Maryland State Line; then westerly along the Pennsylvania-Maryland State Line to its intersection with the Susquehanna River.

(iii) The following area in York County is designated as a quarantined area: That portion of Pennsylvania, beginning at the junction of Interstate Highway 83 and Springwood Road; then southeasterly along Springwood Road to its intersection with Chapel Church Road; then southeasterly along Chapel Church Road to its intersection with PA Highway 24; then northerly along PA Highway 24 to its intersection with PA Highway 124; then westerly along PA Highway 124 to its junction with Interstate highway 83; then southerly along Interstate Highway 83 to its junction with Springwood Road.

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to delete unnecessary restrictions on the movement of live poultry and certain other items from portions of Adams, Cumberland, Dauphin, and York Counties in Pennsylvania.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective June 7, 1984. Comments are solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published in the **Federal Register.**

Executive Order and Regulatory Flexibility Act

This emergency action has been reviewed in accordance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this action 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 have 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.

This action relieves restrictions on the movement of live poultry and certain other items from portions of Adams, Cumberland, Dauphin, and York Counties in Pennsylvania. There are approximately 560 flocks of poultry in the area being released from quarantine. This represents substantially less than 0.5 percent of the poultry flocks in the United States.

Under the circumstances explained above, 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.

List of Subjects in 9 CFR Part 81

Animal diseases, Poultry and poultry products, Transportation.

PART 81—LETHAL AVIAN INFLUENZA

Under the circumstances referred to above, § 81.4(a) of 9 CFR Part 81 is revised to read as follows:

§ 81.4 Quarantined areas.

(a) *Pennsylvania.* (1) The following area in Adams County is designated as a quarantined area: That portion of Pennsylvania, beginning at the junction of Heidlersburg Road and Carlisle Road; then southerly along Carlisle Road to its intersection with Brookside Lane; then easterly along Brookside Lane to its intersection with Rentzel Road; then southerly along Rentzel Road to its intersection with Oakhill Road; then easterly along Oakhill Road to its intersection with Stone Jug Road; then northerly along Stone Jug Road to its intersection with Heidlersburg Road; then westerly along Heidlersburg Road to intersection with Carlisle Road.

(2) The following area in Berks, Chester, Dauphin, Lancaster, Lebanon, and Schuylkill Counties is designated as a quarantined area: That portion of Pennsylvania beginning at the intersection of the eastern bank of the Susquehanna River with the Pennsylvania-Maryland State Line; then northwesterly along the eastern bank of the Susquehanna River to its intersection with Interstate Highway 83; then east and north along Interstate Highway 83 to its intersection with Interstate Highway 81; then west along Interstate Highway 81 to its intersection with the Susquehanna River; then northwesterly along the Susquehanna River to its intersection with PA Highway 325; then northeasterly along PA Highway 325 to its intersection with U.S. Highway 209; then northeasterly along U.S. Highway 209 to its intersection with PA Highway 61; then southeasterly along PA Highway 61 to its intersection with Interstate Highway 78; then northeasterly along Interstate Highway 78 to its intersection with the Berks-Lehigh County Line; then southeasterly along the Berks-Lehigh County Line to its intersection with the Berks-Montgomery County Line; then southwesterly along the Berks-Montgomery County Line to its intersection with U.S. Highway 422; then southeasterly along U.S. Highway 422 to its intersection with PA Highway 100; then southerly along PA Highway 100 to its intersection with the Pennsylvania-Delaware State Line; then southwesterly along the Pennsylvania-Delaware State Line to its intersection with the Pennsylvania-Maryland State Line; then westerly along the Pennsylvania-Maryland State Line to its intersection with the Susquehanna River.

(3) The following area in York County is designated as a quarantined area: That portion of Pennsylvania, beginning at the junction of Interstate Highway 83 and Springwood Road; then southeasterly along Springwood Road to its intersection with Chapel Church Road; then southeasterly along Chapel Church Road to its intersection with PA Highway 24; then northerly along PA Highway 24 to its intersection with PA Highway 124; then westerly along PA Highway 124 to its junction with Interstate Highway 83; then southerly on Interstate Highway 83 to its intersection with Springwood Road.

* * * * *

Authority: Sec. 2, 23 Stat. 31, as amended; secs. 4–8, 23 Stat. 31–33, as amended; secs. 1–3, 32 Stat. 791, 792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; 41 Stat. 699; sec. 2, 65 Stat. 693; secs. 2–3, 5–6, and 11, 76 Stat. 129–132; 76 Stat. 663, 7 U.S.C. 450, 21 U.S.C. 111–113, 114a–1, 115–117, 119–126, 130, 134a, 134b, 134d, 134e, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 7th day of June 1984.

D. F. Schwindaman,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84–15652 Filed 6–7–84; 1:30 am]

BILLING CODE 3410–34–M

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9 CFR Part 91

[Docket No. 84–016]

Ports Designated for Exportation of Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the "Inspection and Handling of Livestock for Exportation" regulations by adding Minneapolis/St. Paul, Minnesota (airport only), to the list of ports designated as ports of embarkation and by adding the American Livestock Export Company as the export inspection facility for that port. The effect of this action is to add an additional port through which animals may be exported. This action is necessary because it has been determined that the export inspection facility of the American Livestock Export Company for the port at Minneapolis/St. Paul meets the requirements of the regulations for inclusion in the list of export inspection facilities.

DATES: Effective date is June 11, 1984. Written comments must be received on or before August 10, 1984.

ADDRESS: 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. George Winegar, Import/Export Animals and Products Staff, VS, APHIS, USDA, Room 845, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8383.

SUPPLEMENTARY INFORMATION:

Background

This document amends the "Inspection and Handling of Livestock for Exportation" regulations in 9 CFR Part 91 (referred to below as the regulations) which regulate the exportation of animals from the United States. Pursuant to a request from the American Livestock Export Company, this document amends § 91.14 by adding Minneapolis/St. Paul, Minnesota (airport only), to the list of ports designated as ports of embarkation and by adding the American Livestock Export Company as the export inspection facility for that port. With certain exceptions, all animals exported are required to be exported through ports designated as ports of embarkation.

To receive approval as a port of embarkation, a port must have export inspection facilities available for inspecting, holding, feeding, and watering animals prior to exportation in order to ensure that the animals meet certain requirements specified in the regulations. The regulations provide that approval of each export inspection facility shall be based on compliance with specified standards in § 91.14(c) concerning materials, size, inspection implements, cleaning and disinfection, feed and water, access, testing and treatment, location, disposal of animal wastes, lighting, and office and rest room facilities.

It has been determined that an export inspection facility for Minneapolis/St. Paul (airport only) meets the requirements of § 91.14(c). The export inspection facility is American Livestock Export Company, 25789 Northfield Blvd., Hampton, MN 55031, (612) 831–3873. Therefore, it is necessary to add Minneapolis/St. Paul (airport only) to the list of ports designated as ports of embarkation and the American Livestock Export Company as the export inspection facility for the port of Minneapolis/St. Paul (airport only).

Executive Order 12291 and Regulatory Flexibility Act

This document has been reviewed in conformance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this action will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any 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.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

It is anticipated that, compared with the total number of animals exported annually from the United States, less than one percent of the total number of animals will be exported annually through the port at Minneapolis/St. Paul, Minnesota.

Under these circumstances, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service (APHIS), has determined that this action will not have a significant economic impact on a substantial number of small entities.

Emergency Action

Dr. John K. Atwell, Deputy Administrator of APHIS for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. The export inspection facility at the port being added to the list of designated ports of embarkation has met the standards for export inspection facilities set forth in § 91.14(c) of the regulations. The addition of this port and export inspection facility must be made promptly in order to inform exporters so that they can make appropriate plans to export their animals and avoid unnecessary restrictions on the exportation of animals.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this interim rule are unnecessary, and good cause is found for making this interim rule effective upon publication. Comments are being solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published in the **Federal Register.**

List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock and livestock products, Transportation, Humane animal handling.

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

Accordingly, § 91.14(a) of 9 CFR Part 91 is amended by redesignating paragraphs (7) through (13) as paragraphs (8) through (14), respectively, and adding a new paragraph (7) to read as follows:

§ 91.14 Ports of embarkation and export inspection facilities.

(a) * * *

(7) *Minnesota.*

(i) Minneapolis/St. Paul—airport only.

(A) American Livestock Export Company, 25789 Northfield Blvd., Hampton, MN 55031, (612) 831–3873.

* * * * *

(Secs. 4, 5, 23 Stat. 32, as amended; sec. 11, 58 Stat. 734, as amended; sec. 1, 32 Stat. 791, as amended; sec. 10, 26 Stat. 417; secs. 12, 13, 14, 18, 34 Stat. 1263, as amended; secs. 1, 3(b), 12(a), 12(h), 81 Stat. 584, 588, 592; secs. 3 and 11, 76 Stat. 130, 132; sec. 1109, 72 Stat. 799, as amended; secs. 1 and 2, 26 Stat. 833, as amended; 21 U.S.C. 105, 112, 113, 114(a), 120, 121, 134b, 134f, 612, 613, 614, 618, 46 U.S.C. 466a, 466b, 49 U.S.C. 1509(d); 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C., this 5th day of June, 1984.

D. F. Schwindaman,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84–15586 Filed 6–8–84; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84–ASW–22; Amdt. 39–4877]

Airworthiness Directives; Hughes Helicopters, Inc., Model 369 D and E Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a one-time inspection of certain main rotor blades on Hughes Helicopters, Inc., Model 369 D and E series helicopters. The AD is prompted by reports of improperly identified and unapproved main rotor blades being in service which could result in main rotor blade failure.

DATE: Effective June 11, 1984.

Compliance required prior to further flight after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Hughes Helicopters, Inc., Centinela Avenue and Teale Street, Culver City, California 90230.

A copy of the Hughes Service information letter is contained in the Rules Docket at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Jerry Sullivan, Aerospace Engineer, Airframe Section, Western Aircraft Certification Office, Northwest Mountain Region, FAA, P. O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, telephone (213) 536-6166.

SUPPLEMENTARY INFORMATION: Reports of eight improperly identified main rotor blades have been received from both the United States and Canada. Several of these blades are surplus U.S. Army Model OH-6A helicopter main rotor blades which are not designed and approved for use on Hughes Helicopters, Inc., Model 369 D and E aircraft. Reportedly, the blade's original identification plate has been replaced and original markings altered on these blades to reflect a later blade configuration. Although externally visually similar, the internal structure of the proper Model 369 D and E main rotor blade Part Number (P/N) 369D21100, differs substantially from that of the main rotor blade used on the OH-6A. It is possible that more of these improperly identified blades are in service. If used on Model 369 D or E helicopters, they could fail causing catastrophic failure of the main rotor system. Since improperly identified blades may be installed on Model 369 D and E helicopters, an airworthiness directive is being issued which requires a one-time inspection for improperly identified and unapproved main rotor blades on certain Hughes Helicopters, Inc., Model 369 D and E helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days. Approximately 250 helicopters may be affected by this AD for a total cost of $8,750.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

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:

Hughes Helicopters, Inc., (Hughes Helicopters): Applies to Model 369D and 369E helicopters certificated in all categories.

Compliance is required prior to further flight, unless already accomplished.

To detect unapproved blades and prevent possible rotor blade failure in flight, accomplish the following:

For Hughes Helicopters, Inc., Model 369D and E helicopters with main rotor blades installed which have been procured from sources other than Hughes Helicopters, Inc., or a Hughes authorized service center:

Note:—As of the date of this AD, the only Hughes authorized service centers for main rotor blade repair within the United States are Composite Technology, Inc., Stockton, CA; Composite Technics, Inc., Dallas, TX; and Rotor Blades, Inc., Stockton, CA.

(a) To verify that the main rotor blades are of the proper Part Number (P/N) 369D21100 internal configuration, comply with the following:

(1) A coin tap test or equivalent test shall be used to identify the number of ribs in each blade. Carefully tap along the length of the blade, aft of the spar, from the tip end, using a heavy coin; e.g., U.S. quarter, half-dollar, or equivalent. Note the number of ribs in the blade by the difference in sound. The proper P/N 369D21100 blade has 20 ribs, 1.5 inches apart, beginning 1.5 inches from the blade tip. The 369A1100 series blade, the unapproved (bogus) blade, has only four ribs, 3 inches apart, beginning 3 inches from the blade tip.

(2) The unapproved bogus blades also have a painted over, flush plug installed to fill a 0.218 to 0.224-inch-diameter hole required in the trailing edge inboard end of all 369A1100 series blades. There is no such hole in the proper 369D21100 blades. Inspect the blade for a filled hole in the trailing edge inboard end.

(b) If a blade has four ribs and a filled hole, an improper blade is installed. Replace with an airworthy proper P/N 369D21100 blade prior to further flight.

(c) Alternative inspections, modifications, or other actions which provide an equivalent level of safety to this AD may be used when approved by the Manager, Western Aircraft Certification Office, Hawthorne, California. Hughes Service Information Letter DL-57 or EL-5 dated February 10, 1984, is an alternative.

(Hughes Service Information Letter No. DL-57 or EL-5 dated February 10, 1984, pertains to identification of improper blades.)

This amendment becomes effective June 11, 1984.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this 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 23, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-15546 Filed 6-8-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-ASW-41; Amdt. 39-4876]

Bell Helicopter Textron, Inc., Model 222 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action adopts a new airworthiness directive (AD) that imposes a retirement life on the nodal beam left side aft support fitting on Bell Helicopter Textron, Inc., Model 222 helicopters. This fitting is one of the four principal supports for the main rotor pylon. The AD is needed to prevent failure of the fitting which could result in loss of a helicopter.

DATES: Effective July 11, 1984.

Compliance Schedule—As prescribed in the body of the AD.

ADDRESSES: A copy of the service bulletin is contained in the Rules Docket located at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Room 156,

Building 3B, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: H. A. Armstrong, Helicopter Certification Branch, ASW-170, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877-2079.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations, to include an airworthiness directive imposing a retirement life on the nodal beam left side aft support fitting Part Number (P/N) 222-031-520-105 on certain Bell Model 222 helicopters, was published in the **Federal Register** on December 9, 1983 (48 FR 55136).

The proposal was prompted by reports of three cracked support fittings. These cracks were due to fatigue. Since this condition is likely to exist or develop on other helicopters of the same type design, the AD will assign a retirement life of 1,200 hours to the support fitting.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. The proposal is adopted without change.

List of Subjects in 14 CFR Part 391

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

Bell Helicopter Textron, Inc.: Applies to Bell Model 222 helicopters, certificated in all categories, that have nodal beam support fitting P/N 222-031-520-105 installed. (Airworthiness Docket 83-ASW-41).

Compliance is required as indicated, unless already accomplished.

To prevent possible failure of the nodal beam left side aft support fitting, P/N 222-031-520-105, accomplish the following:

(a) For those aircraft that have support fitting P/N 222-031-520-105 installed with 1,100 or more hours' time in service on the effective date of this AD, remove the fitting within the next 100 hours' time in service.

(b) For those aircraft that have support fitting P/N 222-031-520-105 with fewer than 1,100 hours' time in service on the effective date of this AD, remove the fitting upon reaching 1,200 hours' time in service.

Note.—Fitting P/N 222-031-520-105 may be replaced by a serviceable fitting of the same part number, or by P/N 222-031-592-103.

(c) This AD establishes a 1,200 hour retirement life for all nodal beam left side aft support fittings P/N 222-031-520-105.

(d) Any equivalent method of compliance with this AD must be approved by the Manager, Helicopter Certification Branch, Federal Aviation Administration, 4400 Blue Mound Road, Forth Worth, Texas 76106.

(e) In accordance with § 21.197, flight is permitted to a base where the actions required by this AD may be accomplished.

Note.—The following is provided as information only:

Bell Helicopter Textron, Inc., Alert Service Bulletin 222-83-20 is the manufacturer's notification of the 1,200-hour life assignment to the nodal beam left side aft support fitting, P/N 222-031-520-105.

Bell Helicopter Textron, Inc., Technical Bulletin 222-83-53 provides instructions for replacement of the P/N 222-031-520-105 aluminum fitting with a stainless steel fitting, P/N 222-031-592-103, that has no retirement life.

This amendment becomes effective July 11, 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 only involves 62 aircraft at an approximate cost of $1,400 per aircraft. Only two small entities operate more than two aircraft. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on May 23, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-15545 Filed 6-8-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436 and 450

[Docket No. 84N-0149]

Tests and Methods of Assay of Antibiotic and Antibiotic-Containing Drugs; High-Pressure Liquid Chromatographic Assays For Dactinomycin and Plicamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to: (1) Provide for an improved method for determining the potency of dactinomycin and plicamycin (formerly mithramycin), (2) add an identity test requirement for dactinomycin, and (3) revise the identity test for plicamycin. The new method, high-pressure liquid chromatographic assay, replaces the current assay methods for potency determination of dactinomycin and plicamycin and becomes the method for determining the identity of both drugs. This action is intended to improve drug quality.

DATES: Effective June 11, 1984; comments, notice of participation, and request for hearing by July 11, 1984; data, information, and analyses to justify a hearing by August 10, 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: Joan M. Eckert, Center for Drugs and Biologics (formerly National Center for Drugs and Biologics) (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA is replacing the microbiological agar diffusion assay currently specified in the regulations for determining the potency of dactinomycin and plicamycin with a high-pressure liquid chromatographic (HPLC) assay. In addition, FDA is requiring the use of the HPLC assay for determining the identity of dactinomycin and plicamycin. In the case of plicamycin, the HPLC assay is replacing the spectrophotometric assay currently specified in the regulations for determining the identity of plicamycin.

Based on collaborative studies between the Antimicrobial Drug Branch (formerly the National Center for Antibiotics Analysis) and the sole manufacturers of the drugs, the agency has determined that the HPLC assay is more accurate and reliable than the methods being replaced in the regulations. The manufacturers affected have agreed to the change.

The data generated by the collaborative studies on which the agency relies in amending the antibiotic drug regulations are on public display in the Dockets Management Branch (address above).

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 436

Antibiotics.

21 CFR Part 450

Antibiotics, antitumor.

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 436 and 450 are amended as follows:

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

1. Part 436 is amended:

a. By adding new § 436.331 to read as follows:

§ 436.331 High-pressure liquid chromatographic assay for dactinomycin.

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

(1) A low dead volume cell 8 to 20 microliters;

(2) A light path length of 1 centimeter;

(3) A suitable ultraviolet detection system operating at a wavelength of 254 nanometers;

(4) A suitable recorder of at least 25.4-centimeter deflection;

(5) A suitable integrator; and

(6) A 30-centimeter column having an inside diameter of 4.0 millimeters and packed with octadecyl silane chemically bonded to porous silica or ceramic microparticles, 5 micrometers to 10 micrometers in diameter, U.S.P. XX.

(b) *Mobile phase.* Mix acetonitrile (high-pressure liquid chromatography grade): water (60:40). Filter the mobile phase through a suitable glass fiber filter or equivalent that is capable of removing particulate contamination to 1 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph pumping system.

(c) *Operating conditions.* Perform the assay at ambient temperature with a typical flow rate of 2.5 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. The minimum between peaks must be no more than 2 millimeters above the initial baseline.

(d) *Preparation of working standard and sample solutions*—(1) *Preparation of working standard solution.* Prepare a solution containing 0.25 milligram per milliliter of dactinomycin in mobile phase.

(2) *Preparation of sample solution.* Prepare the sample solution as described in the individual monograph for the drug being tested.

(e) *Procedure.* Use the equipment, mobile phase, operating conditions, and working standard and sample solutions described in paragraphs (a), (b), (c), and (d) of this section, and proceed as directed in paragraph (e)(1) of this section.

(1) *System suitability test.* Equilibrate and condition the column by passage of about 10 to 15 void volumes of mobile phase followed by two or more replicate injections of 10 microliters each of the working standard solution. Allow an elution time sufficient to obtain satisfactory separation of expected components after each injection. Record the peak responses and calculate the tailing factor, efficiency of the column, and relative standard deviation as described for system suitability tests in the U.S.P. XX General Chapter 621 chromatography. Proceed as directed in paragraph (e)(2) of this section if the following minimum performance requirements have been met:

(i) *Tailing factor.* The tailing factor is satisfactory if it is not more than 2;

(ii) *Efficiency of the column.* The efficiency of the column is satisfactory if it is not less than 1,200 theoretical plates; and

(iii) *Relative standard deviation.* The relative standard deviation is not more than 3.0 percent.

If the minimum performance requirements are not met, adjustments must be made to the system to obtain satisfactory operation before proceeding as described in paragraph (e)(2) of this section.

(2) *Determination of the chromatogram.* Inject 10 microliters of the working standard solution into the chromatograph. Allow an elution time sufficient to obtain satisfactory separation of the expected components. After separation of the working standard solution has been completed, inject 10 microliters of the sample solution into the chromatograph and repeat the procedure described for the working standard solution.

(f) *Calculations.* Calculate the dactinomycin content as described in the individual monograph for the drug being tested.

b. By adding new § 436.341 to read as follows:

§ 436.341 High-pressure liquid chromatographic assay for plicamycin.

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

(1) A low dead volume cell 8 to 20 microliters;

(2) A light path length of 1 centimeter;

(3) A suitable ultraviolet detection system operating at a wavelength of 280 nanometers;

(4) A suitable recorder of at least 25.4-centimeter deflection;

(5) A suitable integrator; and

(6) A 25-centimeter column having an inside diameter of 4.6 millimeters and packed with octadecyl silane chemically bonded to porous silica or ceramic microparticles, 5 micrometers to 10 micrometers in diameter, U.S.P. XX.

(b) *Reagents.*—(1) 0.01*M* phosphoric acid.

(2) *Mobile phase.* Mix acetonitrile (high-pressure liquid chromatography grade):0.01*M* phosphoric acid (350:650). Filter the mobile phase through a suitable glass fiber filter or equivalent that is capable of removing particulate contamination to 1 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph pumping system.

(c) *Operating conditions.* Perform the assay at ambient temperature with a typical flow rate of 1.0 milliliter per minute. Use a detector sensitivity setting that gives a peak height for the working standard that is at least 50 percent of scale.

(d) *Preparation of working standard and sample solutions*—(1) *Preparation of working standard solution.* Place approximately 5 milligrams of the plicamycin working standard, accurately weighed, into a 50-milliliter, amber volumetric flask and dilute to volume with mobile phase and mix.

(2) *Preparation of sample solution.* Prepare the sample solution as described in the individual monograph for the drug being tested.

(e) *Procedure.* Use the equipment, reagents, operating conditions, and working standard and sample solutions described in paragraphs (a), (b), (c), and (d) of this section, and proceed as directed in paragraph (e)(1) of this section.

(1) *System suitability test.* Equilibrate and condition the column by passage of about 10 to 15 void volumes of mobile phase followed by two or more replicate injections of the working standard solution. Allow an elution time sufficient to obtain satisfactory separation of expected components after each injection. Record the peak responses and calculate the relative standard

deviation as described for system suitability tests in the U.S.P. XX General Chapter 621 chromatography. Proceed as directed in paragraph (e)(2) of this section if the minimum performance requirement for the relative standard deviation is not more than 0.4 percent. If the minimum performance requirement is not met, adjustment must be made to the system to obtain satisfactory operation before proceeding as described in paragraph (e)(2) of this section.

(2) *Determination of the chromatogram.* Inject 10 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 has been completed, inject 10 microliters of the sample solution into the chromatograph and repeat the procedure described for the working standard solution.

(f) *Calculations.* Calculate the plicamycin content as described in the individual monograph for the drug being tested.

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

2. Part 450 is amended:

a. In § 450.20 by revising paragraph (a)(1)(i), adding new (vi), and revising (3)(i), and by revising paragraph (b)(1) and adding new (6) to read as follows:

§ 450.20 Dactinomycin.

(a) * * *

(1) * * *

(i) Its dactinomycin content is not less than 900 micrograms of dactinomycin per milligram, calculated on an anhydrous basis.

* * * * *

(vi) It passes the identity test for dactinomycin.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for dactinomycin content, LD_{50}, loss on drying, absorptivity, crystallinity, and identity.

* * * * *

(b) * * *

(1) *Dactinomycin content.* Proceed as directed in § 436.331 of this chapter, preparing the sample and calculating the dactinomycin content as follows:

(i) *Preparation of sample solution.* Accurately weigh a sufficient amount of the sample to obtain a solution containing approximately 0.25 milligram per milliliter of dactinomycin in mobile phase.

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

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

where:

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

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

P_s = Dactinomycin activity in the dactinomycin working standard solution in micrograms per milliliter;

C_u = Milligrams of sample per milliliter of sample solution; and

m = Percent moisture content of the sample.

* * * * *

(6) *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 dactinomycin working standard.

b. In § 450.40 by revising paragraphs (a) (1)(i) and (3)(i), and (b) (1) and (5) to read as follows:

§ 450.40 Plicamycin.

(a) * * *

(1) * * *

(i) Its plicamycin content is not less than 900 micrograms of plicamycin per milligram calculated on an anhydrous basis.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for plicamycin content, loss on drying, pH, absorptivity, identity, and crystallinity.

* * * * *

(b) * * *

(1) *Plicamycin content.* Proceed as directed in § 436.341 of this chapter, preparing the sample and calculating the plicamycin content as follows:

(i) *Preparation of sample solution.* Place approximately 5 milligrams of the sample, accurately weighed, into a 50-milliliter, amber volumetric flask and dilute to volume with mobile phase and mix.

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

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

where:

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

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

P_s = Plicamycin activity in the plicamycin working standard solution in micrograms per milliliter;

C_u = Milligrams of sample per milliliter of sample solution; and

m = Percent moisture content of the sample.

* * * * *

(5) *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 plicamycin working standard.

* * * * *

c. In § 450.220 by revising paragraphs (a)(1), (3)(i) (*a*) and (*b*), and (b)(1) to read as follows:

§ 450.220 Dactinomycin for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Dactinomycin for injection is a dry mixture of dactinomycin and mannitol. Each container contains 0.5 milligram of dactinomycin. Its dactinomycin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of dactinomycin that it is represented to contain. It is sterile. It is nonpyrogenic. The LD_{50}[1] in mice is between 0.65 and 1.23 milligrams of dactinomycin per kilogram. Its loss on drying is not more than 4.0 percent. Its pH is not less than 5.5 and not more than 7.5. The dactinomycin used conforms to the standards prescribed by § 450.20(a)(1) (i), (iii), (iv), (v), and (vi).

* * * * *

(3) * * *

(i) * * *

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

(*b*) The batch for dactinomycin content, sterility, pyrogens, LD_{50}, loss on drying, and pH.

* * * * *

(b) * * *

(1) *Dactinomycin content.* Proceed as directed in § 436.331 of this chapter, except prepare the sample solution and calculate the dactinomycin content as follows:

(i) *Sample solution.* Reconstitute the vial with 2.0 milliliters of mobile phase. Shake well and filter if necessary.

[1] The term "LD_{50}" refers to the dosage of the drug that should be expected to kill 50 percent of the animals that receive the drug.

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

$$\text{Milligrams of dactinomycin per vial} = \frac{A_u \times P_s \times d}{A_s \times 500}$$

where:

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

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

P_s = Dactinomycin activity in the dactinomycin working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

* * * * *

d. In § 450.240 by revising the third sentence in paragraph (a)(1) and by revising paragraphs (a)(3)(i) (*a*) and (*b*) and (b) (1) to read as follows:

§ 450.240 Plicamycin for injection.

(a) * * *

(1) * * * Its plicamycin content is satisfactory if it contains not less than 90 percent and not more than 110 percent of the number of milligrams of plicamycin that it is represented to contain. * * *

* * * * *

(3) * * *

(i) * * *

(*a*) The plicamycin used in making the batch for plicamycin content, loss on drying, absorptivity, pH, identity, and crystallinity.

(*b*) The batch for plicamycin content, sterility, pyrogens, LD_{50}, moisture, pH, depressor substances, and identity.

* * * * *

(b) * * *

(1) *Plicamycin content.* Proceed as directed in § 436.341 of this chapter, except prepare the sample solution and calculate the plicamycin content as follows:

(i) *Preparation of sample solution.* Place approximately 5 milligrams of the sample, accurately weighed, into a 50-milliliter, amber volumetric flash and dilute to volume with mobile phase and mix.

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

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

where:

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

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

P_s = Plicamycin activity in the plicamycin working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

* * * * *

This amendment institutes changes that are either corrective, editorial, or of a minor substantive nature. In addition, because this amendment is an improvement in testing procedures and the only manufacturers affected have agreed to the changes, FDA finds that prior notice, public procedure, and delayed effective date are unnecessary and not in the public interest. The amendment, therefore, may become effective June 11, 1984. However, an opportunity is provided for submission of comments to determine whether the regulation should subsequently be modified or revoked. Interested persons may, on or before July 11, 1984, submit to the Dockets Management Branch (address above) written comments on this regulation. 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. (A copy of the agreement with the manufacturer is on file with the Dockets Management Branch.)

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 11, 1984, a written notice of participation and request for hearing, and (2) on or before August 10, 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 analysis 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, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective June 11, 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: June 1, 1984.

Daniel L. Michels,

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

[FR Doc. 84-15348 Filed 6-10-84; 8:45 am]

BILLING CODE 4730-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Monensin Blocks

Correction

In FR Doc. 84–14027 beginning on page 22072 in the issue of Friday, May 25, 1984, make the following correction:

On page 22073, second column, first complete paragraph, eighth line, "§ 520.148a" should have read "§ 520.1448a".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Abandoned Mine Land Reclamation Program

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

ACTION: Final rule.

SUMMARY: On January 19, 1984, the State of Illinois submitted to OSM a proposed amendment to its Abandoned Mine Land Reclamation (AMLR) Plan. The

amendment pertains to the authority and the capability to conduct a State emergency reclamation program.

After review of public comment and review of the amendment, the Assistant Secretary for Land and Minerals of the Department of Interior has determined that the Illinois amendment meets the requirements of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and the Secretary's regulations (30 CFR Chapter VII, Subchapter R, 47 FR 28574–28604, June 30, 1982). Accordingly, the Assistant Secretary has approved the Illinois amendment.

EFFECTIVE DATE: June 11, 1984.

ADDRESSES: Copies of the full text of the amendment are available for review at the following locations:

Illinois Department of Mines and Minerals, AML Reclamation Council, First Floor, Alzina Building, 100 North First Street, Springfield, Illinois 62701

Office of Surface Mining and Enforcement, Springfield Office, 600 East Monroe, Room 20, Springfield, Illinois 62701

FOR FURTHER INFORMATION CONTACT: James Fulton, Director, Springfield Field Office, Office of Surface Mining, 600 East Monroe, Room 20, Springfield, Illinois 62701, Telephone: (217) 492–4486.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing responsibility under State or Federal law. Title IV provides that a State with an approved AMLR program has the responsibility and primary authority to implement an abandoned mine land reclamation program.

The Illinois AMLR Plan was approved on June 1, 1982. On September 19, 1983, OSM informed the States and Indian Tribes of the opportunity to amend their reclamation plans to include a provision for emergency reclamation programs (47 FR 42729). Under section 410 of SMCRA, the Secretary of the Interior is authorized to expend monies for the emergency restoration, reclamation, abatement, control or prevention of adverse effects of coal mining practices on eligible lands. An emergency, as defined in 30 CFR 870.5 means "a sudden danger or impairment that presents a high probability of substantial physical harm to the health, safety or general welfare of people before the danger can be abated under normal program operation procedures."

For a State or Tribe to undertake an emergency reclamation program as part of its reclamation plan, the State/Tribe must amend its reclamation plan and demonstrate that it has the statutory authority to undertake emergencies, the technical capability to design and supervise the emergency work and the administrative and procurement procedures to quickly respond to emergencies either directly or through contractors. On January 19, 1984, Illinois submitted a proposed amendment to the Plan. An approved State AMLR Plan can be amended under the provisions of 30 CFR 884.15. Under these provisions, if the amendment or revision changes the objectives, scope, or major policies followed by the State in the conduct of its reclamation program, the Director should follow the procedures set out in 30 CFR 884.14 in approving an amendment or revisions of a State reclamation plan.

OSM published a notice of proposed rulemaking on the Illinois amendment on March 28, 1984 (49 FR 11850) and requested public comment. No public comments were received.

No revisions on the proposed rulemaking have been made and, accordingly, no further public comment is required. The amendment is available for public inspection at the address indicated above under **"ADDRESSES."**

Contents of the Illinois amendment are:

1. The agency designated by the Governor as authorized to receive grants and administer an emergency program.

2. A legal opinion from the State Attorney General that the designated agency has the authority under State law to conduct the emergency program in accordance with the requirements of Section 410 of Title IV of the Act.

3. A description of the policies and procedures to be followed by the designated agency in conducting the emergency reclamation program.

4. A description of the administrative and managerial structure to be used in conducting the emergency reclamation program.

5. A general description of emergency reclamation activities to be conducted.

6. A narrative description which supports State's position that the procedures, personnel, and other proposed aspects of its program give evidence of its abilities to promptly and effectively mitigate the full range of emergency conditions anticipated in the State.

Assistant Secretary's Findings

In accordance with section 405 of SMCRA, the Assistant Secretary finds that Illinois has submitted an amendment to its Abandoned Mine Land Reclamation Plan and has determined, pursuant to 30 CFR 884.15, that:

1. The public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has the legal authority, policies and administrative structure to carry out the amendment.

4. The amendment meets all requirements of the OSM, AMLR program provisions.

5. The State has an approved Surface Mining Regulatory program.

6. The amendment is in compliance with all applicable State and Federal laws and regulations.

Disposition of Comments

No comments were received on the proposed rulemaking.

Additional Findings

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981) and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have significant economic effects on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Illinois amendment does not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Land Reclamation program. Therefore, under the Department of the Interior Manual DM 5162.3(A)(1), the Assistant Secretary's decision on the Montana amendment is categorically excluded from the National Environmental Policy Act requirements.

As a result, no environmental assessment (EA) nor environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Moreover, an EA or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

Effective Date

The final rule is effective upon date of publication. Under 5 U.S.C. 553(d), a rule may not be made effective less than 30 days after publication unless, among other things, good cause exists and is published with the rule. Good cause exists to make the final rule immediately effective because: (1) the State of Illinois' Abandoned Mine Land Reclamation Council is fully staffed and prepared to administer the emergency reclamation program and (2) OSM wishes to expedite grant assistance to the State to initiate needed reclamation work.

List of Subjects in 30 CFR Part 913

Coal mining, Intergovernmental regulations, Surface mining, Underground mining.

For the reasons set forth herein, 30 CFR Part 913 is amended as set forth below.

Dated: May 25, 1984.

J. Lisle Reed,

Deputy Under Secretary.

Dated: June 4, 1984.

Garrey E. Carruthers,

Assistant Secretary, Land and Minerals Management.

PART 913—ILLINOIS

1. Section 913.20 is revised as follows:

§ 913.20 Approval of Illinois Abandoned Mine Land Reclamation Plan.

The Illinois Abandoned Mine Land Reclamation Plan, as submitted on July 20, 1980, and amended on June 11, 1984, is approved. Copies of the approved Plan, as amended, are available at:

Office of Surface Mining Reclamation and Enforcement, Springfield Field Office, 600 East Monroe, Room 20, Springfield, Illinois 62701

Illinois Department of Mines and Minerals, AML Reclamation Council, First Floor, Alzina Building, 100 North First Street, Springfield, Illinois 62701

Office of Surface Mining Reclamation and Enforcement, Administrative Record, 1100 "L" Street, NW., Room 5315, Washington, D.C. 20005

[FR Doc. 84-15543 Filed 6-8-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Parts 317 and 321

Regulations Governing Agencies for Issue of United States Savings Bonds; Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes (Freedom Shares)

AGENCY: Fiscal Service, Bureau of the Public Debt, Department of the Treasury.

ACTION: Notice of change in issuing and paying agent fee schedules.

SUMMARY: This notice sets forth a due date in the schedules for the payment of fees by the Bureau of the Public Debt to issuing and paying agents of United States Savings Bonds and/or United States Savings Notes. This change is applicable to issues and redemptions transferred to the Bureau of the Public Debt on and after the effective date of this notice.

EFFECTIVE DATE: June 11, 1984.

FOR FURTHER INFORMATION CONTACT: Mary Lou Dasburg, Attorney-Adviser, Bureau of the Public Debt, (202) 447-9859.

SUPPLEMENTARY INFORMATION: Section 317.6(b) of 31 CFR, Part 317, pertaining to issuing agents, and Section 321.23(a) of 31 CFR, Part 321, pertaining to paying agents, provide that such agents will be paid a fee for each savings bond issued and for each savings bond and/or note redeemed, and that a schedule of fees, and the basis upon which such fees are computed and paid, will be published separately in the **Federal Register**. A schedule of fees was last published in 46 FR 8820 (January 27, 1981).

The fee schedules are incorporated by reference in all issuing and paying agent agreements. The latter refer to the Bureau's regulations, as well as Form PD 4982, which describes fee payments and is distributed with the agreements.

Neither Form PD 4982 nor the previous **Federal Register** notices clearly specifies a payment date for issuing and paying agent fees. The current agreements state that fees are to be calculated as of the close of each quarter, but are silent as to the time of payment. The provisions of the Prompt Payment Act, 31 U.S.C. ch. 39, and OMB Circular A-125, require that a specific payment date be included in the agreements. Based on a historical review of the varied timing for receipts of issue and redemption transmittals, the Bureau has determined that most fee payments can be made within forty (40) days after the close of each quarter.

Notice: The fees due each issuing and paying agent will continue to be calculated as of the close of each calendar quarter for all bond issues and bond/note redemptions transmitted to the Bureau of the Public Debt. Payments will be made forty (40) days after the close of each quarter. The date of the check issued in payment shall be deemed to be the payment date.

Dated: June 5, 1984.

William M. Gregg,

Commissioner of the Public Debt.

[FR Doc. 84-15538 Filed 6-8-84; 8:45 am]

BILLING CODE 4810-40-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 240

[ER 1105-2-26]

Internal Water Resources Policies and Authorities Regulation; Cancellation of Regulation

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule, revocation.

SUMMARY: On March 30, 1983, the Civil Work Office of Policy, Office of the Chief of Engineers, issued Engineering Regulation 1105-2-26 on implementation of Executive Order 11988 on flood plain management. Its function is to provide internal guidance. It supersedes an Engineering Regulation of the same number and subject dated May 15, 1979. Basically, it is simply an updated version of the earlier regulation; substantively there are no differences. It is the earlier regulation as codified in 33 CFR Part 240 that is cancelled hereby. It is no longer Corps practice to burden the **Federal Register** with regulations of solely internal application.

EFFECTIVE DATE: June 11, 1984.

FOR FURTHER INFORMATION CONTACT: Donald P. Rogers, Office of Policy, Directorate of Civil Works, U.S. Army Corps of Engineers, HQ, USACE (DAEN-CWR), WASH, DC 20314, telephone (202) 272-0123.

List of Subjects in 33 CFR Part 240

Flood plains.

PART 240—[REMOVED]

33 CFR is amended by removing Part 240.

(E.O. 11988)

Dated: May 2, 1984.

For the Chief of Engineers.

Paul F. Kavanaugh,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 84-13969 Filed 6-8-84; 8:45 am]

BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Action MO 1501; A-7-FN 2603-6]

Approval and Promulgation of the Missouri State Implementation Plan for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On March 21, 1984, the Missouri Air Conservation Commission amended item 4 of the Lead State Implementation Plan consent order to allow St. Joe Lead Company to substitute a video camera system for the transmissometer system for monitoring lead emissions. St. Joe Lead Company, located in Jefferson County, Missouri, was unable to purchase a transmissometer system due to the physical characteristics of where the transmissometers were to be located and operated. EPA has found the video camera system to be equivalent to the transmissometer system for the purpose of the emissions control strategy. Therefore, EPA is approving the revision.

EFFECTIVE DATE: This action will be effective August 10, 1984 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the State's submission is available for review at the following addresses:

Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106

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

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

Missouri Department of Natural Resources, 1101 Rear Southwest Blvd., Jefferson City, Missouri 65102

Written comments should be sent to: Jane C. Johnson, Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION, CONTACT: Jane C. Johnson at the above address or call (816) 374-3791, (FTS) 758-3791.

SUPPLEMENTARY INFORMATION: On March 21, 1984, after notice and public hearing, the Missouri Air Conservation Commission amended the consent order by modifying item 4 for the St. Joe Lead Company required by the Missouri Lead SIP. This item of the consent order affects 1% of the overall reduction in lead emissions required by the control strategy. The original consent order was approved by EPA on April 27, 1981 (46 FR 23412), as part of the control strategy agreed upon by the St. Joe Lead Company to control lead emissions. The final compliance date for the St. Joe Lead Company was published on May 15, 1981 (46 FR 26769), as October 27, 1984. The modified order states that the video camera system will be installed by April 1, 1984. There will be no delay in the final compliance date by modifying the consent order. Item 4 of the consent order specified that a transmissometer and alarm system be installed on the feed floor of each blast furnace to readily alert personnel of furnace upset emissions. After contacting several vendors, the St. Joe Lead Company found that the transmissometers would be able to operate properly under the physical conditions found in the blast furnace building. A video camera system with monitors installed in the blast furnace foreman's office and the weather room at the main office is being substituted for the transmissometer system. The video camera will scan the roof vents known as doghouses for all three blast furnaces at programmed intervals. The video camera is capable of giving a good image of nighttime emissions so that visible emissions are monitored on a continuous basis. EPA agrees with the State of Missouri and the St. Joe Lead Company that the video camera system is equivalent to the transmissometer system in determining if visible emissions are present. EPA believes that revision meets the requirements of the Clean Air Act, Section 110(a)(2), since it provides for the attainment of the Lead National Ambient Air Quality Standard as demonstrated in the Missouri Lead State Implementation Plan. Therefore, EPA approves this revision to the Missouri Lead SIP.

Action: EPA approves this submission as a revision to the Missouri Lead SIP. EPA believes this action is noncontroversial and is approving the modification to the consent order without prior proposal. The public is advised that this action is effective August 10, 1984 unless we receive written notice within 30 days from the date of publication that someone wishes to submit adverse or critical comments. In such case, this action will be withdrawn and rulemaking will commence again by announcing a proposal of this action and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements.

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

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

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

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended, August 1977 (42 U.S.C. 7410).

List of Subjects in 40 CFR Part 52

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

Dated: May 31, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. Section 52.1320 is amended by adding a new paragraph (c)(43) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(43) On March 26, 1984, the Missouri Department of Natural Resources submitted a revision to the September 2, 1980, lead State Implementation Plan pertaining to item 4 of the consent order for the St. Joe Lead Company. The revision consists of a substitution of equivalent control measures for item 4.

[FR Doc. 84-15180 Filed 6-8-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 536 and 580

[Docket No. 84-24]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Interim Rules and Request for Comments; Enlargement of Time to Comment and Amendment.

SUMMARY: Counsel for various North Atlantic and U.S. Gulf-North Europe Conferences and Rate Agreements has requested a 30-day extension of time to file comments in this proceeding initiated by **Federal Register** notice of May 23, 1984 (49 FR 21713–21717). The Commission originally allowed comments to be filed on or before June 22, 1984. Counsel claims that the parties are currently reviewing eight rulemaking proceedings which implement the Shipping Act of 1984, and that the interim rules in this proceeding will become effective on June 18, 1984, and remain in effect until permanent rules are adopted prior to December 15, 1984. Counsel believes the requested extension will not delay or impede the Commission's work. Grounds for an extension having been established, an enlargement of time until July 23, 1984, is granted. This rule also corrects the wording required to appear on replacement pages to tariffs of controlled carriers.

DATES: Interim Rules effective June 18, 1984. Comments due on or before July 23, 1984.

ADDRESS: Comments (original and 20 copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5796.

SUPPLEMENTARY INFORMATION: In addition to providing for an enlargement of time for comments, the Federal Maritime Commission is also amending the citation to the statute and regulations required to appear on replacement pages of controlled carriers tariffs.

List of Subjects in 46 CFR Parts 536 and 580

Cargo; Cargo vessels; Exports; Harbors; Imports; Maritime carriers; Rates and fares; Reporting and recordkeeping requirements; Water carriers; Water transportation.

PART 580—[AMENDED]

Therefore Part 580 (formerly Part 536) of Title 46 of the Code of Federal Regulations is amended as follows:

§ 580.11(g)(3)(ii) is revised to read as follows:

§ 580.11 Supplements to tariffs.

* * * * *

(g) * * *

(3) * * *

(ii) All replacement filings shall state on the appropriate tariff page the following:

[Filed pursuant to 46 U.S.C. app. 1708(d) and 46 CFR 580.11(g)]

(5 U.S.C. 533; secs. 4, 5, 6, 8, 9, 10, 15, 16, and 17 of the Shipping Act of 1984 (46 U.S.C. app. 1703–1705, 1707, 1708, 1709, and 1714–1716))

By the Commission.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 84-15509 Filed 6-8-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

Letter Regarding Interpretation of Separations Manual

AGENCY: Federal Communications Commission.

ACTION: Interpretation Letter.

SUMMARY: Under delegated authority the Common Carrier Bureau, in response to a request by Mr. Ron Comingdeer, Attorney for Panhandle Telephone Cooperative, has provided an interpretation of the *FCC–NARUC Jurisdictional Separations Manual*, Part 67 of the FCC Rules and Regulations. The issue concerns the frozen customer premises equipment (CPE) balances established in accordance with the *Decision and Order* in FCC Docket 80–286, released February 26, 1982. The interpretation provides guidance with respect to the transfer of the frozen CPE balances in the event of the sale of the telephone exchange.

FOR FURTHER INFORMATION CONTACT: Michael E. Wilson, Audits Branch, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, Telephone No. (202) 634–1965.

William J. Tricarico,

Secretary, Federal Communications Commission.

Federal Communications Commission

Washington, D.C. 20554

June 4, 1984.

Mr. Ron Comingdeer,

Attorney for Panhandle Telephone Cooperative, 3810 North Peniel, P.O. Box 489, Bethany, Oklahoma 73008.

Dear Mr. Comingdeer: In your letter of February 17, 1984, you requested that the Commission order the transfer of the frozen customer premises equipment (CPE) balances associated with the Hooker and Forgan, Oklahoma, exchanges from the previous owner, Southwestern Bell Telephone Company, to the current owner, Panhandle Telephone Cooperative, Inc. In response to that request we are providing under delegated au;thority the following interpretation of the *Jurisdictional Separations Manual* (*Manual*), Part 67 of the FCC Rules and Regulations.

In its *Decision and Order* (*Order*) in Docket 80–286, released February 26, 1982, the Commission adopted the Amendment to the *Manual* which required the amounts in the CPE plant accounts (other than Category 2) on the books as of December 31, 1982, to be frozen and to constitute a base amount for separations purposes. In the *Order* it is stated

that the freeze and the associated phase out of the frozen base over five years is "to facilitate the implementation of the Commission's policies regarding detariffing of customer premises equipment * * * and to ensure that the detariffing does not result an [sic] abrupt rate increases."

It is our opinion that the Commission's intention of precluding abrupt rate increases will most properly be served when the frozen CPE balance continues to be effectively associated with the same locale it was associated with when the balance was frozen. Thus, any rate increase curtailment effected by the inclusion of the frozen CPE amount in the separations process would benefit the ratepayers in that area. In the event of a transfer of ownership of an exchange, the overriding consideration shall be that the ratepayer benefitting or likely to benefit from the frozen CPE balance at the time of transfer should continue to so benefit after the transfer to the extent possible. To assure this, it is expected that the frozen CPE balance shall remain with the exchange with which it was associated at December 31, 1982, and if an entire exchange should be sold, the associated frozen CPE balance shall transfer with the exchange to the new owner.

If you have any questions concerning this response, please contact Michael Wilson, Chief, Audits Branch, on (202) 634–1965.

Sincerely,

Gerald P. Vaughan,

Chief, Accounting and Audits Division.

[FR Doc. 84–15528 Filed 6–8–84; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

Consumer Information Regulations

CFR Correction

In the October 1, 1983, revision of Title 49 (Parts 400 to 999) of the Code of Federal Regulations, on page 480, Figure 2 appearing in § 575.104 was incorrectly published. Figure 2 should read as set forth below.

Figure 2—[Part I]—DOT Quality Grades

TREADWEAR
TRACTION ABC
TEMPERATURE ABC

[Part II] All Passenger Car Tires Must Conform to Federal Safety Requirements in Addition to These Grades

Treadwear

The treadwear grade is a comparative rating based on the wear rate of the tire when tested under controlled conditions on a specified government test course. For example, a tire graded 150 would wear one and one-half (1½) times as well on the government course as a tire graded 100. The relative performance of tires depends upon the actual conditions of their use, however, and may depart significantly from the norm due to variations in driving habits, service practices and differences in road characteristics and climate.

Traction

The traction grades, from highest to lowest, are A, B, and C, and they represent the tire's ability to stop on wet pavement as measured under controlled conditions on specified government test surfaces of asphalt and concrete. A tire marked C may have poor traction performance. Warning: The traction grade assigned to this tire is based on braking (straightahead) traction tests and does not include cornering (turning) traction.

Temperature

The temperature grades are A (the highest), B, and C, representing the tire's resistance to the generation of heat and its ability to dissipate heat when tested under controlled conditions on a specified indoor laboratory test wheel. Sustained high temperature can cause the material of the tire to degenerate and reduce tire life, and excessive temperature can lead to sudden tire failure. The grade C corresponds to a level of performance which all passenger car tires must meet under the Federal Motor Safety Standard No. 109. Grades B and A represent higher levels of performance on the laboratory test wheel than the minimum required by law. Warning: The temperature grade for this tire is established for a tire that is properly inflated and not overloaded. Excessive speed, underinflation, or excessive loading, either separately or in combination, can cause heat buildup and possible tire failure.

BILLING CODE 1505–02–M

Proposed Rules

Federal Register
Vol. 49, No. 113
Monday, June 11, 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

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 83-030]

Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The regulations in 9 CFR 113.65 through 113.166 which prescribe Standard Requirements for live bacterial vaccines, inactivated bacterial products, killed virus vaccines, and live virus vaccines have been reviewed in accordance with the Agency's plan to periodically review existing regulations. As a result of this review, proposed revisions were published in the Federal Register on Wednesday, October 27, 1982, and on Wednesday, November 24, 1982, which would update certain aspects of this group of Standard Requirements. This proposed action would conclude the proposals to revise them at this time.

This proposed rule would revise the requirements for tests conducted on Brucella Abortus Vaccine; Anthrax Vaccine; Erysipelothrix Rhusiopathiae Vaccine; Erysipelothrix Rhusiopathiae Bacterin; Feline Panleukopenia Vaccine, Killed Virus; Bluetongue Vaccine; Encephalomyelitis Vaccine, Venezuelan; and Rabies Vaccine, Modified Live Virus. Certain live animal tests (*in vivo* tests) would be replaced by *in vitro* procedures.

DATE: Comments must be received on or before August 10, 1984.

ADDRESS: 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 Rom 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

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 recordkeeping, reporting, or application requirements 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 a "Nonmajor Rule."

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. These revisions would reduce regulatory requirements.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action would not result in an adverse 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 would permit use of more economical methods in potency testing of certain vaccines and bacterins.

Background

Standard Requirements consist of test methods, procedures, and criteria established by Veterinary Services for evaluating biological products for purity, safety, potency, and efficacy. Until such Standard Requirements are developed by Veterinary Services and are codified in the regulations (9 CFR Part 113), the test methods, procedures, and criteria to be used in the evaluation of a product are developed by the licensees and are written into the applicable Outlines of Production which are required to be filed with Veterinary Services.

When Standard Requirements for a biological product have been developed by Veterinary Services, they are proposed for codification in the regulations.

Such codification assures uniformity and general availability of such Standard Requirements to all licensees, applicants, and to the general public.

These proposed amendments would revise the Standard Requirements for evaluating licensed Brucella Abortus Vaccine; Anthrax Spore Vaccine; Erysipelothrix Rhusiopathiae Vaccine; Erysipelothrix Rhusiopathiae Bacterin; Feline Panleukopenia Vaccine, Killed Virus; Bluetongue Vaccine; Encephalomyelitis Vaccine, Venezuelan; and Rabies Vaccine, Modified Live Virus.

Potency tests for serial release of Anthrax Spore Vaccine currently require tests by spore count and by vaccination and challenge of guinea pigs. Experience has shown the serials which meet the required spore count satisfactorily meet the requirements of the guinea pig test and vice versa. This revision will make the continued use of guinea pigs unnecessary. The highly persistent nature of this organism has caused manufacturers to set aside space solely for conducting these animal tests. This revision would remove the continuing need for providing these special facilities for evaluation of Anthrax Spore Vaccine.

Results of research studies conducted over the last 5 or 6 years have shown that Brucella Abortus Vaccine containing fewer viable organisms than currently required by the Standards gave equal protection. The product containing fewer organisms sharply reduced the number of vaccinated animals with persistent titers. These titers are used to disclose infected animals in control and eradication programs. Presence of animals with titers resulting from vaccine increases the difficulty and cost of the control and

eradication effort. This proposed revision would provide a new dosage form which would reduce the number of organisms from a minimum of 25 billion per dose to 3 billion per dose at expiration. It would establish a maximum number of organisms at release of 10 billion per dose for this dosage form. A two-stage potency test would be provided to ensure that an unsatisfactory serial will not be accepted and that a satisfactory serial will not be rejected. The proposed new dosage form would also reduce the dose volume from 5 ml to 2 ml. This would result in more doses per volume of culture and would reduce container and shipping costs. In order to have properly evaluated Brucella Abortus Vaccine available for use in control programs in States where the number of organisms per dose is established at current levels by legislation, provision for continued production of standard vaccine would be made by continuing the present potency test in 9 CFR 113.65(c).

Potency tests for serial release of Erysipelothrix Rhusiopathiae Vaccine currently require tests in either mice or swine. These were adapted from tests applied to bacterins. Advances in manufacturing and testing techniques have made application of the Master Seed concept to this bacterial vaccine feasible. This concept provides for one host animal test and a concurrent *in vitro* test to measure protective ability and relative strength of the product. Following this, potency is measured by the *in vitro* test, eliminating the need for animals to test each serial.

Test requirements for Erysipelothrix Rhusipathiae Bacterin in 9 CFR 113.104 currently provide for a choice of a mouse potency test or a swine potency test. Historically, the mouse test has been more difficult to pass satisfactorily but the swine test is substantially more expensive. Cooperative efforts with industry members have resulted in improvement of the mouse potency test to reduce the likelihood of rejecting a serial which would protect the host species. This proposed revision would substitute the improved mouse test for the current mouse test and would delete the swine potency test. This represents another step in the recent efforts to substitute *in vitro* procedures and small laboratory animal tests for tests in pet and large domestic species.

Standard Requirements for killed virus Feline Panleukopenia Vaccines were established in 9 CFR 113.123 when all or nearly all were produced by inactivating virus-bearing tissues obtained from cats which had been inoculated with virulent feline panleukopenia virus. The most effective method for detecting uninactivated virus in these preparations was the inoculation of susceptible cats and observing changes associated with exposure to the virus. The only killed virus Feline Panleukopenia Vaccines licensed at present are those produced in cell cultures. Because of the high cost and difficulty in maintaining consistent quality in the tissue origin vaccines, all licensed vaccines are now produced in cell cultures. There is no reason to accept tissue origin vaccines for licensure nor to expect any applications for such licensure. This proposed revision of 9 CFR 113.123 would delete reference to tissue origin vaccines and would eliminate the special blood studies needed for safety tests of that type of vaccine. More suitable, less expensive tests for inactivation would remain for cell culture products as specified in 9 CFR 113.120(a).

When the current requirements were established for Bluetongue Vaccine, only one serotype was considered. The virus used in production had been carefully studied and was known to be free from risk of transmission from vaccinated sheep to unvaccinated susceptible sheep. Serological response in sheep had been clearly correlated with protection. As a result, there was no need to require tests for transmissibility nor vaccination-challenge studies for efficacy. Recently, additional serotypes have been found for which protective vaccines are needed. It is necessary to assure that newly developed modified live vaccines viruses will not be transmitted and revert to virulence. This proposed revision of 9 CFR 113.138 would utilize and improve *in vitro* method as the sole measure of serial potency. This *in vitro* method would be correlated with protection in accordance with the Master Seed principle. This would remove the need for sheep to be used for each serial potency test and would result in substantial savings in time and money.

Standard Requirements for evaluating vaccine for Venezuelan equine encephalomyelitis were developed and adopted at a time when a serious disease emergency existed in the United States. The test methods were based in part on the evaluation of vaccine intended for human use. Some of the requirements were also based on the possible interaction between this and other arthropod-borne encephalitides. Newly developed methods and years of experience with the vaccine virus have shown that a number of these restrictions are no longer necessary. *In vitro* tests could be used instead of guinea pigs to measure serial potency. Horses used in the immunogenicity trial would not have to be seronegative to Eastern and Western equine encephalomyelitis. Evaluations of serological response on prevaccination day 14 and postvaccination day 14 have been found unnecessary and would be deleted from the immunogenicity test. The number of mice used to detect increased vaccine virus virulence would be reduced without risk of failing to detect adverse serial to serial changes.

Current standards for potency tests of modified live Rabies Vaccines were developed at a time when production was limited to Flury strain viruses which were well adapted to mouse titrations. New virus strains and test methods have made this restriction inappropriate. *In vitro* tests correlated with host animal protection have been shown to be equally reliable and substantially less expensive. This proposed revision would permit use of any method supported by data acceptable to Veterinary Services which accurately measures product potency.

List of Subjects in 9 CFR Part 113

Animal biologics.

PART 113—STANDARD REQUIREMENTS

1. Section 113.65 (a)(2) and (b) would be revised and paragraph (c) would be added to read:

§ 113.65 Brucella Abortus Vaccine.

(a) * * *

(2) Two final container vials of completed product shall be tested by inoculating one potato agar slant, one tube of Dextrose Andrades broth with gas tube and one tube of thioglycollate broth from each vial. If growth not typical of *Brucella abortus* organisms is evident, the serial or subserial is unsatisfactory.

* * * * *

(b) *Bacterial count requirements for reduced dose vaccine.* Each serial and each subserial shall be tested for potency.

(1) Two final container vials of completed product shall be tested for the number of viable organisms per ml of rehydrated vaccine. One bacterial count per vial shall be made on tryptose agar plates from suitable dilutions using 1 percent peptone as a diluent.

(2) If the average count of the two final container samples of freshly prepared vaccine contains less than 3.0 or more than 10.0 billion organisms per dose, the serial or subserial is unsatisfactory.

(3) If the average count on the initial test is less than the minimum or greater than the maximum required in paragraph (b)(2) of this section, the serial or subserial may be retested one time using four additional final container vials. The average count of the retest is determined. If the average count of the four vials retested is less than the required minimum or greater than the required maximum, the serial or subserial is unsatisfactory. If the average count of the four vials retested is within the required limits described in paragraph (b)(2) of this section, the following shall apply:

(i) If the average count obtained in the initial test is less than one-third or more than three times the average count obtained on the retest, the average count of the initial test shall be considered the result of test system error and the serial or subserial is satisfactory.

(ii) If the average count obtained in the initial test is one-third or more than the average retest count or three times or less than the average retest count, a new average count shall be determined from the counts of all six vials. If the new average is less than the minimum or greater than the maximum required in paragraph (b)(2) of this section, the serial or subserial is unsatisfactory.

(4) If tested at any time within the expiration period, each dose of rehydrated vaccine must contain at least 3.0 billion viable organisms per dose.

(c) *Bacterial count requirements for standard vaccine.* Each serial and subserial shall be tested for potency.

(1) Two final container samples shall be tested for the number of viable organisms per milliliter of rehydrated vaccine. One bacterial count per vial shall be made on tryptose agar plates from suitable dilutions using 1 percent peptone as a diluent.

(2) If the average count of the two final container samples of freshly prepared vaccine does not contain at least 10 billion viable organisms per milliliter, the serial or subserial is unsatisfactory.

(3) If the initial bacterial count is less than 10 billion organisms per milliliter, the serial or subserial may be retested one time using four samples. If the average count of the four vials retested is less than the required minimum, the serial or subserial is unsatisfactory.

(4) If tested at any time within the expiration period, each milliliter of rehydrated vaccine does not contain at least 5 billion viable organisms per milliliter, the serial or subserial is unsatisfactory.

2. Section 113.66 would be revised to read:

§ 113.66 Anthrax Spore Vaccine—Nonencapsulated.

Anthrax Spore Vaccine—Nonencapsulated shall be a live spore suspension prepared from nonencapsulated variants of *Bacillus anthracis*. Only Master Seed which has been established as pure, safe, and immunogenic shall be used for production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed.

(a) The master Seed shall meet the applicable general requirements prescribed in § 113.64 and the requirements in this section.

(b) Each lot of Master Seed shall be tested for immunogenicity as follows:

(1) Forty-two susceptible guinea pigs from the same source each weighing 400 to 500 grams, shall be used as test animals (30 vaccinates and 12 controls).

(2) An arithmetic mean spore count of vaccine produced from the highest passage of the Master Seed shall be established before the immunogenicity test is conducted. The guinea pigs used as vaccinates shall be injected as recommended on the label with a predetermined number of vaccine spores. To confirm the dosage, five replicate spore counts shall be conducted on a sample of the vaccine dilution used.

(3) Fourteen to fifteen days postvaccination the vaccinates and controls shall each be challenged with not less than 4,500 guinea pig LD_{50} of a virulent suspension of *Bacillus anthracis* furnished or approved by Veterinary Services and observed for 10 days.

(4) If at least 10 of the 12 controls do not die from *Bacillus anthracis* within the 10-day postchallenge observation period the test is invalid and may be repeated.

(5) If at least 27 of 30 of the vaccinates do not survive the 10-day postchallenge observation period, the Master Seed is unsatisfactory.

(6) The Master Seed shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. The vaccinates and controls must meet the criteria prescribed in paragraphs (b)(4) and (b)(5) of this section.

(7) An Outline of Production change shall be made before authority for use of a new lot of Master Seed shall be granted by Veterinary Services.

(c) *Test Requirements for Release.* Each serial and subserial shall meet the applicable general requirements prescribed in 9 CFR 113.64 and the requirements in this paragraph. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety test.* Samples of completed product from each serial or first subserial shall be tested for safety in sheep or goats by the methods described in 9 CFR 113.45(a).

(2) *Spore Count Requirements.* Final container samples of completed product shall be tested for sore count using the method used in paragraph (b)(2) of this section. To be eligible for release, each serial and each subserial shall have a spore count sufficiently greater than that of the vaccine used in the immunogenicity test to assure that when tested at any time within the expiration period, each serial and subserial shall have a spore count of at least twice that used in the immunogenicity test but not less than 2,000,000 spores per dose.

3. Section 113.67 would be revised to read:

§ 113.67 Erysipelothrix Rhusiopathiae Vaccine.

Erysipelothrix Rhusiopathiae Vaccine shall be prepared as a desiccated live culture of an avirulent or modified strain of *Erysipelothrix rhusiopathiae*. Only Master Seed which has been established as pure, safe, and immunogenic shall be used for vaccine production.

(a) The Master Seed shall meet the applicable requirements prescribed in § 113.64 and the requirements in this section.

(b) Each lot of Master Seed used for vaccine production shall be tested for immunogenicity. The selected bacterial count from the lot of Master Seed shall be establishued as follows:

(1) Thirty *Erysipelothrix rhusiopathiae* susceptible swine shall be used as test animals (20 vaccinates and 10 controls) for each route of administration recommended on the label.

(2) An arithmetic mean count of the colony forming units from vaccine produced from the highest passage of the Master Seed shall be established before the immunogenicity test is conducted. The 20 swine to be used as vaccinates shall be injected as recommended on the label with a predetermined quantity of vaccine bacteria. The 10 control swine shall be held separately from the vaccinates. To confirm the dosage calculation, an arithmetic mean count shall be established by conducting five replicate titrations on a sample of the bacterial vaccine dilution used. Only plates containing between 30 and 300 colonies shall be considered in a valid test.

(3) The vaccinates and controls shall be examined and their average body

temperature determined prior to challenge. Fourteen to twenty-one days postvaccination, the vaccinates and controls shall be challenged with a virulent *Erysipelothrix rhusiopathiae* culture and observed for 7 days. The challenge culture and instructions for preparation and use shall be obtained from Veterinary Services.

(4) A satisfactory challenge shall be evidenced in the controls by a high body temperature or clinical signs including, but not limited to acute illness with hyperemia of the abdomen and ears, possible terminating in sudden death; moribundity, with or without metastatic skin lesions; depression with anorexia, stiffness, and/or joint involvement; or any combination of these symptoms and lesions.

(5) If a least 80 percent of the controls do not show characteristic signs during the observation period including, but not limited to a body temperature of 105.6° F or higher on at least 2 consecutive days, the test shall be considered inconclusive: *Provided,* That control pigs which meet the criteria requirements for susceptibility except for high body temperature shall be considered susceptible if sacrificed and organisms identified as *Erysipelothrix rhusiopathiae* can be isolated from the blood, spleen, or other organs.

(6) To demonstrate immunity after challenge, the vaccinates shall remain free of clinical signs and the body temperature shall not exceed 104.6° F on 2 or more consecutive days. If at least 90 percent of the vaccinates do not remain free from clinical signs and high body temperature throughout the observation period, the Master Seed is unsatisfactory.

(7) The Master Seed shall be retested for immunogenicity in 3 years. Only five vaccinates and five controls need to be used in the retest: *Provided,* That at least four of five vaccinates and four of the five controls shall meet the criteria prescribed in paragraphs (b)(5) and (b)(6) of this section.

(8) An Outline of Production change shall be made before authority for use of a new Master Seed shall be granted by Veterinary Services.

(c) *Test requirements for release.* Each serial and subserial shall meet the applicable requirements in § 113.64 and the requirements in this paragraph. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety test.* Samples of completed product from each serial or first subserial shall be tested for safety in young adult mice as prescribed in § 113.33(b) and in swine as prescribed in § 113.44.

(2) *Bacterial count requirements.* Final container samples of completed product from each serial and each subserial shall be tested for bacterial count using the method used in paragraph (b)(2) of this section. To be eligible for release, each serial and subserial shall have a bacterial count sufficiently greater that of the vaccine used in the immunogenicity test to assure that, when tested at any time within the expiration period, each serial and subserial shall have a bacterial count two times greater than that used in such immunogenicity test.

4. Section 113.104 (c) would be revised to read:

§ 113.104 Erysipelothrix Rhusiopathiae Bacterin.

* * * * *

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the mouse protection test provided in this paragraph. A mouse dose shall be 1/10 of the least dose recommended on the label for swine. Such swine dose shall not be less than 1 ml.

(1) The ability of the bacterin being tested (Unknown) to protect mice shall be compared with a Standard Reference Bacterin (Standard) which is either supplied by or acceptable to Veterinary Services.

(2) At least three threefold dilutions shall be made with the Standard and the same threefold dilutions shall be made for each Unknown. Dilutions shall be made with physiological saline solution.

(3) For each dilution of the Standard and each dilution of an Unknown, a group of at least 20 mice, each weighing 16 to 22 grams, shall be used. Each mouse in each group shall be injected subcutaneously with one mouse dose of the appropriate dilution.

(4) Each of 20 injected mice from each group shall be challenged subcutaneously 14 to 21 days after being injected. A dose containing at least 100 mouse LD_{50} of a suitable culture of *Erysipelothrix rhusiopathiae* shall be used. All survivors in each group of mice shall be recorded 10 days postchallenge.

(5) Test for valid assay: At least two dilutions of the Standard shall protect more than 0 percent and two dilutions shall protect less than 100 percent of the mice injected. The lowest dilution of the Standard shall protect more than 50 percent of the mice. The highest dilution of the Standard shall protect less than 50 percent of the mice.

(6) The relative potency (RP) of the Unknown is determined by comparing the 50 percent endpoint dilution (highest bacterin dilution protecting 50 percent of the mice) of the Unknown with that of the Standard by the following formula:

$$RP = \frac{\text{reciprocal of 50 percent endpoint dilution of Unknown}}{\text{reciprocal of 50 percent endpoint dilution of Standard}}$$

(7) If the PR of the Unknown is less than 0.6, the serial being tested is unsatisfactory.

(8) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested in a manner identical to the initial test: *Provided,* That, if the Unknown is not retested or if the protection provided by the lowest dilution of the Standard exceeds the protection provided by the lowest dilution of the Unknown by six mice or more; or, if the total number of mice protected by the Standard exceeds the total number of mice protected by the Unknown by eight mice or more, the serial is unsatisfactory.

(9) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the highest dilution exceeds 50 percent protection, the Unknown is satisfactory without additional testing.

(10) If the RP is less than 0.6, the serial may be retested by conducting two independent replicate tests in a manner identical to the initial test. The average of the RP values obtained in the retests shall be determined. If the average RP is less than 0.6, the serial is unsatisfactory without further testing. If the average RP obtained in the retests is equal to or greater than 0.6, the following shall apply:

(i) If the RP obtained in the original test is one-third or less than the average RP obtained in the retests, the initial RP may be considered a result of test system error and the serial is satisfactory for potency.

(ii) If the RP value obtained in the original test is more than one-third the average RP obtained in the retests, a new average shall be determined using the RP values obtained in all tests. If the new average is less than 0.6, the serial is unsatisfactory.

5. The introductory text and paragraph (a) of § 113.123 would be revised to read:

§ 113.123 Feline Panleukopenia Vaccine, Killed Virus.

Feline Panleukopenia Vaccine, Killed Virus, shall be prepared from virus-bearing cell culture fluids. Only Master Seed which has been established as

pure, safe, and immunogenic shall be used for preparing seeds for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed. The Master Seed shall meet the applicable requirements prescribed in § 113.120. Each serial shall meet the applicable general requirements prescribed in § 113.120 and the special requirements for safety and potency provided in this section.

(a) *Safety test.* The vaccinates used in the potency test in paragraph (b) of this section shall be observed each day during the postvaccination observation period. If unfavorable reactions occur which are attributable to the vaccine, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the vaccine, the test is inconclusive and may be repeated: *Provided*, That, if not repeated, the serial is unsatisfactory.

* * * * *

6. Section 113.138 would be revised to read:

§ 113.138 Bluetongue Vaccine.

Bluetongue Vaccine shall be prepared from virus-bearing cell culture fluids. Only Master Seed which has been established as pure, safe, and immunogenic shall be used for preparing the seeds for vaccine production. All serials of vaccine shall be prepared from the first through the tenth passage from the Master Seed.

(a) The Master Seed shall meet the applicable general requirements prescribed in § 113.135 and the requirements in this section.

(b) Each lot of Master Seed shall be tested for transmissibility. Each of five sheep shown to be susceptible when tested as specified in (c)(1) of this section shall be administered a dose of high-titered vaccine in accordance with label recommendations. Blood samples shall be drawn at 12-hour intervals for 6 consecutive days beginning with day 6 post vaccination and individually tested for viremia. The test shall be conducted by inoculating cultures of the same cells used for production of the vaccine. If each such test results in a viremia of less than $10^{3.0}$ per ml, the vaccine virus shall be considered safe without further testing. A virus which results in a viremia of more than $10^{3.0}$ per ml in one or more of the tests must be subjected to vector transmission studies. If the virus is transmitted by the vector, the Master Seed is unsatisfactory.

(c) Each lot of Master Seed used for vaccine production shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed shall be established as follows:

(1) Twenty-five lambs, susceptible to the bluetongue virus serotype contained in the vaccine, shall be used as test animals (20 vaccinates and 5 controls). Blood samples shall be drawn from these animals and individual serums tested. A lamb shall be considered susceptible if there is no neutralization at a 1:2 final serum dilution in a constant virus varying serum neutralization test with 100 to 200 $TCID_{50}$ of bluetongue virus or another method acceptable to Veterinary Services.

(2) A geometric mean titer of the vaccine produced from the highest passage from the Master Seed shall be established before the immunogenicity test is conducted. The 20 lambs to be used as vaccinates shall be administered a predetermined quantity of vaccine virus by the method recommended on the label. To confirm the virus dosage administered, five replicate virus titrations shall be conducted on a sample of the vaccine used.

(3) At least once during the period of 14 to 18 days postvaccination, individual serum samples shall be collected from each of the vaccinates and tested for virus neutralizing antibody using 100 to 200 $TCID_{50}$ of bluetongue virus.

(4) Twenty-one to twenty-eight days postvaccination the vaccinates and the controls shall each be challenged with virulent bluetongue virus and observed for 14 days. The rectal temperature of each animal shall be taken and recorded for 17 consecutive days beginning 3 days prechallenge. The presence or absence of lesions or other clinical signs of bluetongue noted and recorded on each of 14 consecutive days postchallenge.

(i) If at least four of the five controls do not show clinical signs of bluetongue and a temperature rise of 3° F or higher over the pre-challenge mean temperature, the test shall be considered inconclusive and may be repeated.

(ii) If at least 19 of the 20 vaccinates tested as prescribed in paragraphs (c)(3) of this section do not have bluetongue neutralizing antibody titers of 1:4 final serum dilution or higher, or if more than one of the vaccinates shows a temperature rise of 3° F or higher than its prechallenge mean temperature for 2 or more days, or if more than one of the vaccinates exhibits clinical signs of bluetongue, the Master Seed is unsatisfactory.

(5) An Outline of Production change shall be made before authority for use of a new lot of Master Seed shall be granted by Veterinary Services.

(6) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need be used in the retest: *Provided*, That five of five vaccinates and at least four of the five controls shall meet the criteria prescribed in paragraphs (c)(4) of this section.

(d) *Test requirements for release.* Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety test.* The mouse safety test prescribed in 113.33(a) and the lamb safety test prescribed in 113.45 shall be conducted.

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in such immunogenicity test.

7. Section 113.143 would be revised to read:

§ 113.143 Encephalomyelitis Vaccine, Venezuelan.

Encephalomyelitis Vaccine, Venezuelan, shall be prepared from virus-bearing cell culture fluids. Only Master Seed which has been established as pure, safe, and immunogenic shall be used for preparing seeds for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed.

(a) The Master Seed shall meet the applicable general requirements prescribed in § 113.135 except (b), and the requirements prescribed in this section.

(b) Each lot of Master Seed shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed shall be established as follows:

(1) Tests conducted by the Department have established that horses having Venezuelan equine encephalomyelitis antibody titers of 1:20 by the hemagglutination-inhibition (HI) method or 1:40 by the serum neutralization (SN) method were immune to challenge with virulent virus. The immunogenicity test is based on the demonstration of a serological response of at least that magnitude following

vaccination of serologically negative horses.

(2) At least 22 horses (20 vaccinates and 2 controls), susceptible to Venezuelan equine encephalomyelitis, shall be used as test animals. Blood samples shall be taken from each horse and the serums individually tested for neutralizing antibody. Horses shall be considered susceptible if there is no neutralization at a 1:2 final serum dilution in a constant virus-varying serum neutralization test using 100 to 300 $TCID_{50}$ of Venezuelan equine encephalomyelitis virus.

(3) A geometric mean titer of the vaccine produced from the highest passage of the Master Seed shall be established using a method acceptable to veterinary Services before the immunogenicity test is conducted. The 20 horses used as vaccinates shall be injected with a predetermined quantity of vaccine virus by the method to be recommended on the label. To confirm the dosage administered, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(4) Twenty-one to twenty-eight days postvaccination, blood samples shall be drawn from all test animals. For a valid test, the controls shall remain seronegative at 1:2 final serum dilution. In a valid test, if at least 19 of 20 vaccinates do not have antibody titers of at least 1:20 in a haemagglutination-inhibition test or at least 1:40 in a serum neutralization test, the Master Seed is unsatisfactory.

(5) The Master Seed shall be retested for immunogenicity in 3 years unless use of the lot is discontinued. Only five vaccinates and two controls need to be used in the retest: *Provided*, That five of five vaccinates and the two controls shall meet the criteria in paragraph (b)(4) of this section.

(6) An Outline of Production change shall be made before authority for use of a new lot of Master Seed shall be granted by veterinary services.

(c) *Test requirements for release.* Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and special requirements in this paragraph. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety test.* The mouse safety test prescribed in § 113.33(b) shall be conducted.

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the method in paragraph (b)(3) of this section. To be eligible for release, each serial and subserial shall have a virus titer sufficiently greater than the titer of the vaccine used in the immunogenicity test prescribed in paragraph (b) of this section to assure that, when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test, but not less than $10^{2.5}$ $TCID_{50}$ per dose.

8. Section 113.147(d)(2) would be revised to read:

§ 113.147 Rabies Vaccine.

* * * * *

(d) * * *

(2) *Virus titrations.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (b)(1) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently higher than the titer of the vaccine virus used in paragraph (b) of this section to assure that, when tested at any time within the expiration period, each serial and subserial shall have a virus titer equal to or greater than that used in the immunogenicity test.

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

Done at Washington, D.C., this 5th day of June 1984.

D. F. Schwindaman,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-15587 Filed 6-8-84; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-ASW-23]

Proposed Alteration of Control Zone: Little Rock AFB, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the control zone at Little Rock AFB, AR. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAPs) to the Little Rock AFB. This action is necessary since a review of the current control zone revealed the designated controlled airspace for the protection of aircraft is inadequate and requires alteration of airspace to the east of Little Rock AFB.

DATES: Comments must be received by July 11, 1984.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F 71.171 as republished in FAA Order 7400.6, Compilation of Regulations, dated January 3, 1984, contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone at Little Rock AFB, AR, will necessitate an amendment to this subpart. This amendment will be required at Little Rock AFB, AR, since a review of the designated airspace revealed it is inadequate for the protection of aircraft executing SIAPs to the Little Rock AFB.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-ASW-23." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals

contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877–2630. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Little Rock AFB, AR

Within a 5-mile radius of the Little Rock AFB (latitude 34°54'59" N., longitude 92°08'46" W.); and within 2 miles each side of the east localizer course extending from the 5-mile radius area to 8 miles east of the airport; and within 2 miles each side of the 079° radial of the Jacksonville TACAN extending from the 5-mile radius area to 8 miles east of the airport; and within 1.5 miles each side of the 241° radial of the Jacksonville TACAN extending from the 5-mile radius area to 7.5 miles southwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.61(c))

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

Issued in Fort Worth, TX, on May 29, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84–15544 Filed 6–8–84; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 80N–0373]

Cheeses and Related Cheese Products; General Standard of Identity for "Certain Other Cheeses"

Correction

In FR Doc. 84–10296 beginning on page 17018 in the issue of Monday, April 23, 1984, make the following corrections:

1. On page 17021, in the table, under the entry for "Term III" fourth line, "Would" should have read "Mould".

2. On page, 17024, first column, in entry 4.4.3, second line, "max" should have read "wax".

3. On the same page, second column, in entry 5.4, first line, "Naturation" should have read "Maturation".

4. On the same page, third column, in entry 4.3.1(b), "36 x 9–12cm" should have read "36 x 36 x 9–12 cm".

5. On the same page, third column, in the table, the second "Minimum" should have read "Maximum".

6. On page 17025, second column, in entry 5.2, second line, ".40–69°C" should have read "40–46°C".

7. On page 17026, first column, in entry 3.2.1, sixth line, "($NaHCOG5_3$)" should have read "($NaHCO_3$)".

8. On page 17027, second column, sixth line from the bottom, "4.2.2" should have read "4.4.2".

9. On page 17029, first column, in entry 4.3(a), "1.0" should have read "1.3".

10. On page 17030, third column, in entry 4.9, second line, "par" should have read "for".

11. On page 17035, third column, second complete paragraph, seventh line, "lot" should have read "low".

12. On the same page, same column, same paragraph, fourteenth line, "Codes" should have read "Codex".

BILLING CODE 1505–01–M

21 CFR Part 250

[Docket No. 83N–0059]

Nitroglycerin for Human Use; Removal of Packaging and Labeling Requirements

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to revoke its rule establishing packaging and labeling requirements for nitroglycerin for human use. The agency believes that this rule is no longer necessary, and that it has become duplicative and obsolete.

DATE: Comments by August 10, 1984.

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

FOR FURTHER INFORMATION CONTACT: Richard L. Arkin, Center for Drugs and Biologics (formerly National Center for Drugs and Biologics) (HFN–360), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6490.

SUPPLEMENTARY INFORMATION: The rule the agency is proposing to revoke, 21 CFR 250.300, was published in the Federal Register of August 5, 1972 (37 FR 15858). It established packaging and labeling requirements for nitroglycerin for human use. The rule requires that manufacturers package nitroglycerin preparations in tight (as defined in the United States Pharmacopeia (USP)) glass containers with tightly fitting metal screw caps or in containers of materials approved by FDA. It also requires that no more than 100 dosage units be packaged in a container. Further, the rule requires that the container bear a message to the pharmacist that the drug should be dispensed only in the original unopened container and a warning to the patient to keep the tablets in the original container and close the container tightly immediately after each use.

The first two paragraphs of § 250.300 contain FDA's rationale for the rule. The rule observes that the volatility of nitroglycerin, which results in a loss of potency when exposed, had been recognized for many years. Consequently, packaging requirements for preparations containing this drug provided for storage in tight containers. The text of the rule also states that this limited packaging requirement was considered adequate when glass containers were used almost exclusively, even though no provision was then made to inform the user that the filled prescription should be kept in a tightly closed container.

With the trend toward packaging containers made of materials other than glass, however, the agency became aware of new problems with

nitroglycerin tablets because of the different properties of such materials. Laboratory data and other information made available to FDA when § 250.300 was promulgated indicated that improper packaging of nitroglycerin tablets either before or after dispensing to the patient would be likely to result in a substantial loss in potency of the drug. FDA's data indicated that commonly used plastic containers and certain kinds of strip packaging allow appreciable evaporation of nitroglycerin from nitroglycerin tablets. These findings justified the packaging and labeling requirements set forth in § 250.300 when it was promulgated.

In the years since the final regulation was published, a number of actions have been taken which appear to have rendered it unnecessary. The official USP now includes a monograph for sublingual nitroglycerin tablets that duplicates most of the packaging and labeling requirements found in § 250.300: That sublingual nitroglycerin tablets be packaged in tight containers, preferably of glass; that each container have a capacity of not more than 100 tablets; that the label state that the tablets are to be dispensed in the original unopened container; and that the label warn the patient to keep the tablets in the original container and to close the container immediately after each use. Under section 502(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(g)) (the act), manufacturers of sublingual nitroglycerin tablets are required to follow these labeling and packing requirements. Thus, the requirements in § 250.300 now essentially duplicate the USP requirements.

The USP states that glass containers are the preferred packaging materials for sublingual nitroglycerin tablets, but the monograph does not contain a provision comparable to that found in § 250.300(e), which requires premarketing approval from FDA for non-glass containers. Under § 250.300(e), an approval for a non-glass container is to be based on data submitted to FDA establishing its suitability. The agency has evaluated this requirement and has concluded tentatively that, because appropriate methods for packaging sublingual nitroglycerin tablets are now widely known and practiced by manufacturers of sublingual nitroglycerin tablets, premarketing approval of nonglass containers is also no longer necessary. Moreover, if § 250.300(e) is revoked, manufacturers would still have to establish the suitability of a non-glass container, and of its closure, for packaging sublingual nitroglycerin tablets and would have to make supporting data available to FDA, if requested, under the current good manufacturing practice regulations (CGMP) (21 CFR Part 211). These regulations require that a manufacturer perform stability testing on the drug product in the same container/closure system to be used in marketing the drug to determine appropriate storage conditions and expiration dates.

There is also no need to continue the container requirement in effect for other than sublingual dosage form of nitroglycerin. At the time § 250.300 was issued in 1972, sublingual nitroglycerin tablets were the most widely marketed available dosage form of nitroglycerin. Although § 250.300 was primarily directed toward the packaging and labeling of sublingual tablets, this section was written to apply to all nitroglycerin preparations. At that time, a few sustained release forms of nitroglycerin were being marketed. However, unlike the sublingual tablets, the sustained release forms were marketed under a new drug application (NDA). Further, since the issuance of the regulation, other, more stable forms of nitroglycerin have been marketed under NDA's or abbreviated new drug applications (ANDA's). Because the packaging and labeling requirements for these dosage forms constitute part of the approved NDA or ANDA, the agency believes that § 250.300 is unnecessary for these approved dosage forms.

Thus, the requirements of section 502(g) ofthe act, the CGMP regulations, and the new drug procedures rendered § 250.300 unnecessary.

As previously stated, the requirements of § 250.300 apply to manufacturers and distributors of nitroglycerin preparations. These provisions were not intended to apply to manufacturers of unfilled "after-market" nitroglycerin containers for direct sale to patients who must place their own sublingual nitroglycerin tablets in containers so as to have quick access to a small "emergency" supply.

Recognizing that many patients would like to carry a small number of sublingual nitroglycerin tablets on their person, a firm developed a small stainless steel vial with a Teflon seal intended to be marketed as an unfilled container for sublingual nitroglycerin tablets. In 1978, the firm sought FDA's approval for the container under what it termed an "exemption" from § 250.300(e). Following extensive communication with the firm and a testing program which proved that the container was acceptable for the purposes for which it was to be marketed, FDA informed the firm that it had no objections to the firm's marketing this product. Comments pertinent to this matter have been placed on file in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, under the docket number in brackets at the heading of this notice. At the time it advised the manufacturer it might market the product, FDA also said it would reexamine § 250.300 to determine whether a revision of that rule would be appropriate to provide for regulation of after-market nitroglycerin containers. That examination led the agency to conclude that § 250.300 should not be amended to include such containers and that it would be inappropriate to regulate them as drugs.

On October 19, 1982, FDA issued an advisory opinion concerning the legal status of containers intended to be used by individuals to store personal supplies of nitroglycerin tablets in lieu of the original container supplied by the manufacturer. The opinion stated that an empty container marketed directly to consumers for storing personal supplies of nitroglycerin tablets is a "device" as defined in section 201(h) of the act. Manufacturers of such containers are subject to applicable requirements of the act, notably registration of the manufacturer (section 510(b)), listing of the product (section 510(j)) and premarket notification (section 510(k)). FDA's regulations governing these requirements are in 21 CFR Part 807. A copy of this advisory opinion has been placed on file in the Dockets Management Branch (address above) under the docket number in brackets at the heading of this notice. The Center for Devices and Radiological Health has advised firms it believes to be marketing such devices of the existence of the advisory opinion and of applicable statutory requirements.

As previously stated, the current USP monograph for nitroglycerin tablets duplicates most of the packaging and labeling requirements found in § 250.300, including the statement: "Warning: To prevent loss of potency, keep these tablets in the original container. Close tightly immediately after each use." Because this language is inconsistent with the agency's present policy of permitting the sale of after-market supplemental containers specifically designed and labeled for nitroglycerin tablets, the agency brought this inconsistency to the attention of representatives of the United States Pharmacopeial Convention (USPC) in an informal meeting on April 3, 1984. The minutes of this meeting and subsequent

letter to the USPC on the issue of this inconsistency are on file at the Dockets Management Branch under the docket number at the heading of this document. At the informal meeting, staff from the USPC stated that they would initiate appropriate action to eliminate this inconsistency.

Accordingly, the agency proposes to revoke § 250.300. Revocation of this rule would have no effect on the packaging and labeling of nitroglycerin drugs by manufacturers and distributors, in view of the USP's packaging and labeling requirements for sublingual nitroglycerin tablets, FDA's CGMP regulations, and existing NDA's and ANDA's for nitroglycerin in other dosage forms.

In accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-354), the agency has carefully analyzed the economic consequences of this proposed rulemaking. It has been determined that this proposed rulemaking is not a "major rule" as defined in Executive Order 12291. Further, the agency certifies that the proposed rulemaking will not have a significant impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

The agency has determined pursuant to 21 CFR 25.24(d)(13) (proposed December 11, 1979; 44 FR 71742) that this proposed 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 250

Drugs.

PART 250—SPECIAL REQUIREMENTS FOR SPECIFIC HUMAN DRUGS

Subpart E—[Removed]

§ 250.300 [Removed]

Therefore, for the reasons set forth above, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502(a), 505, 701(a), 52 Stat. 1040-1042 as amended, 1050, 1052-1053 as amended, 1055 (21 U.S.C. 321, 352(a), 355, 371(a))) and under authority delegated to him (21 CFR 5.10), the Commissioner of Food and Drugs proposes to amend Part 250 by removing Subpart E—Special packaging requirements, consisting of § 250.300 *Nitroglycerin for human use; packaging and warnings.*

Interested persons may, on or before August 10, 1984 submit to the Dockets Management Branch (address above), written comments regarding this proposal. 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 office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 17, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84-15514 Filed 5-8-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

[Docket No. 40557-4057]

Miscellaneous Amendments of Trademark Rules

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proposed rulemaking.

SUMMARY: The Patent and Trademark Office proposes amendments to the rules of practice in trademark cases to correct two cross-references and a spelling error; to bring §§ 2.104 and 2.112(a) into conformity with §§ 13 and 14 of the Trademark Act; to make § 2.114(c), which relates to the withdrawal of a petition for cancellation, consistent with corresponding § 2.106(c), which relates to the withdrawal of an opposition; and to specify that the Trademark Trial and Appeal Board may, in its discretion, grant a § 2.132(a) motion even if the motion was filed after the opening of the testimony period of the moving party.

DATE: Written comments by July 18, 1984.

ADDRESS: Address written comments to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Written comments will be available for public inspection in Room 11E10 of Building 3, Crystal Plaza, 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Miss Janet E. Rice by telephone at (703) 557-3551 or by mail addressed to the Commissioner of Patents and Trademarks, Attention: Miss Janet E. Rice, Crystal Square 5, Suite 1008, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: Several of the rules of practice in trademark cases were amended, effective February 27, 1983, by a final rule notice published in the **Federal Register** on January 28, 1983 at 48 FR 3972 and in the *Official Gazette* of February 22, 1983 at 1027 O.G. 129. A substantial number of other rules of practice in trademark cases were amended, effective June 22, 1983, by a final rule notice published in the **Federal Register** on May 23, 1983 at 48 FR 23122 and in the *Official Gazette* of June 21, 1983 at 1031 O.G. 13. As a result of these rule amendments, three further rule amendments of a "housekeeping" nature are now necessary. First, because the rule amendments included changes in some section numbers and in the location of some provisions, the cross-reference portions of §§ 2.1 and 2.145(d)(1) need to be corrected. Second, § 2.101(b), as amended effective February 27, 1983, contains a spelling error which needs to be corrected. Third, § 2.114(c), which relates to the withdrawal of a petition for cancellation, needs to be amended so that it will be consistent with § 2.106(c), as amended effective June 22, 1983, which relates to the withdrawal of an opposition.

Additionally, § 2.104 (which lists the content requirements for an opposition) and § 2.112(a) (which lists the content requirements for a petition for cancellation) are proposed to be amended to bring them into conformity with §§ 13 and 14 of the Trademark Act. These amendments are proposed as a result of a comment contained in the recent case of Selva & Sons, Inc. v. Nina Footwear, Inc., 705 F. 2d 1316, 217 USPQ 641 (CAFC 1983). The comment, which appears in footnote 6 at page 648, reads as follows:

> 37 CFR 2.112 commands that a petition for cancellation "set forth a short and plain statement showing how the petitioner is or will be damaged by the registration." This directive is not, however, reflective of 15 USC 1064, which states that a petition to cancel the registration of a mark may be filed "by any person who *believes* that he is or will be damaged by the registration." (Emphasis ours.) Nor is it consistent with recent case law, discussed infra.

Finally, § 2.132, as amended effective June 22, 1983, permits any party in the position of defendant to file a motion to dismiss for failure to take testimony where plaintiff has either (1) failed to take testimony or offer any other evidence (§ 2.132(a)) or (2) offered no evidence other than copies of Patent and Trademark Office records and such evidence is insufficient to show that upon the law and the facts plaintiff is entitled to relief (§ 2.132(b)). Paragraph (c) of the section, adopted effective June 22, 1983, provides that any motion filed under paragraph (a) or (b) must be filed before the opening of the testimony period of the moving party. However, in

those cases where a plaintiff's testimony period has expired and plaintiff has in fact failed to take testimony or offer any other evidence in his behalf, it is in the interests of justice and judicial economy to grant a motion to dismiss under § 2.132(a) even if the motion was not filed until after the opening of the defendant's testimony period. Accordingly, the Patent and Trademark Office proposes to amend Rule 2.132(c) to specify that the Trademark Trial and Appeal Board may grant such a motion even if the motion was not filed until after the opening of the testimony period of the moving party.

Discussion of Specific Sections Changed

The rules for which amendments are proposed are discussed below. [The designation § is used in the Code of Federal Regulations to denominate a rule. If internal division of a section is necessary, it is divided into paragraphs designated as follows: "a", "b", etc. at the first level; "1", "2", etc. at the second level; and "i", "ii", etc. at the third level.]

Section 2.1 provides in part that §§ 1.1 to 1.26 of Part I of Title 37 of the Code of Federal Regulations are applicable to trademark cases except such parts thereof which specifically refer to patents and except § 1.22 to the extent that it is inconsistent with §§ 2.85(e), 2.101(c) or 2.162(d). The provisions which formerly appeared in § 2.101(c) now appear, in modified form, in § 2.101(d), as amended effective February 27, 1983. Further, the provisions contained in § 2.111(c), adopted effective February 27, 1983, serve to amplify that part of § 2.85(e) which relates to petitions for cancellation. Accordingly, it is proposed to amend the cross-reference portion of § 2.1 by changing "§ 2.101(c)" to "§ 2.101(d)" and by adding a cross-reference to § 2.111(c).

Section 2.101(b) is proposed to be amended by changing the spelling of the word "Principle" to "Principal".

Section 2.104 is proposed to be amended by deleting the requirement that the opposition "set forth a short and plain statement showing how the opposer would be damaged by the registration of the opposed mark" and substituting therefore a requirement that the opposition "set forth a short and plain statement showing why the opposer believes he would be damaged by the registration of the opposed mark." The proposed substitute requirement is in conformity with section 13 of the Trademark Act, which states that any person "who believes that he would be damaged by the registration of a mark upon the principal register" may file an opposition in the Patent and Trademark Office.

Section 2.112(a) is proposed to be amended by deleting the requirement that the petition to cancel "set forth a short and plain statement showing how the petitioner is or will be damaged by the registration" and substituting therefor a requirement that the petition to cancel "set forth a short and plain statement showing why the petitioner believes he is or will be damaged by the registration." The proposed substitute requirement is in conformity with Section 14 of the Trademark Act, which states that a petition to cancel the registration of a mark may be filed "by any person who believes that he is or will be damaged by the registration."

Section 2.114(c), which now provides in part that after an answer to a petition for cancellation is filed the petition may not be withdrawn without prejudice except with the consent of the registrant, is proposed to be amended to require the *written* consent of the registrant. The proposed requirement is in conformity both with the existing practice under § 2.114(c) and with § 2.106(c), which, as amended effective June 22, 1983, provides in part that after the answer to an opposition is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant.

Section 2.132(c), which now provides that any motion filed under paragraph (a) or (b) of the section must be filed before the opening of the testimony period of the moving party, is proposed to be amended to specify that the Trademark Trial and Appeal Board may in its discretion grant a motion filed under paragraph (a) even if the motion was filed after the opening of the testimony period of the moving party.

Section 2.145(d)(1), which governs the time for filing an appeal to the U.S. Court of Appeals for the Federal Circuit or for commencing a civil action, now provides in part that if a request for rehearing or reconsideration or modification of the decision is filed within the time specified in § 2.129(c) or § 2.144, or within any extension of time granted thereunder, the time for filing an appeal or commencing a civil action shall expire at the end of the sixty day period or thirty days after action on the request, whichever is later. Prior to June 2, 1983, § 2.129(c) governed the filing of any request for rehearing or reconsideration or modification of a decision of the Trademark Trial and Appeal Board, including a decision on a motion which is finally dispositive of a case. However, under the trademark rules as amended effective June 22, 1983, a request for rehearing or reconsideration or modification of a decision issued after final hearing is governed by § 2.129(c), but a request for rehearing, etc., of a decision on a motion which is finally dispositive of a case is governed by § 2.127(b). Accordingly, § 2.145(d)(1) is proposed to be amended to include a cross-reference to § 2.127(b).

Environmental, energy, and other considerations.

The proposed rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The proposed rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96–354). The rule change includes no additional or increased fees. Substantive rights to use valuable trademarks are not adversely affected.

This proposed rule change does not contain a collection of information requirement under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than $100 million. There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. There will be no significant, adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

List of Subjects in 37 CFR Part 2

Administrative practice and procedure, Courts, Lawyers, Trademarks.

Notice is hereby given that pursuant to the authority contained in Section 41 of the Trademark Act of July 5, 1946, as amended, the Patent and Trademark Office proposes to amend Part 2 of Title 37 of The Code of Federal Regulations by amending §§ 2.1, 2.101, 2.104, 2.112, 2.114, 2.132, and 2.145 as set forth below. Additions are indicated by arrows and deletions by brackets.

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. Section 2.1 is proposed to be revised to read as follows:

§ 2.1 Sections of Part 1 applicable.

Sections 1.1 to 1.26 of this chapter are applicable to trademark cases except such parts thereof which specifically refer to patents and except § 1.22 to the extent that it is inconsistent with §§ 2.85(3), ►2.101(d),◄ [2.101(c) or] ►2.111(c) or◄ § 2.162(d). Other sections of Part 1 incorporated by reference or referred to in particular sections of this part are also applicable to trademark cases.

2. Section 2.101 is proposed to be amended by revising paragraph (b) to read as follows:

§ 2.101 Filing an opposition.

* * * * *

(b) Any person who believes that he would be damaged by the registration of a mark on the ►Principal◄ [Principle] Register may oppose the same filing an opposition which should be addressed to the Trademark Trial and Appeal Board.

* * * * *

3. Section 2.104 is proposed to be revised to read as follows:

§ 2.104 Contents of opposition.

The opposition must set forth a short and plain statement showing ►why the opposer believes he◄ [how the opposer] would be damaged by the registration of the opposed mark and state the grounds for opposition. A duplicate copy of the opposition, including exhibits, shall be filed with the opposition.

4. Section 2.112 is proposed to be amended by revising paragraph (a) to read as follows:

§ 2.112 Contents of petition for cancellation.

(a) The petition to cancel must set forth a short and plain statement showing ►why the petitioner believes he◄ [how the petitioner] is or will be damaged by the registration, state the grounds for cancellation, and indicate the respondent party to whom notification shall be sent. A duplicate copy of the petition, including exhibits shall be filed with the petition.

* * * * *

5. Section 2.114 is proposed to be amended by revising paragraph (c) to read as follows:

§ 2.114 Answer.

* * * * *

(c) The petition for cancellation may be withdrawn without prejudice before the answer is filed. After the answer is filed ►,◄ the petition may not be withdrawn without prejudice except with the ►written◄ consent of the registrant.

6. Section 2.132 is proposed to be amended by revising paragraph (c) to read as follows:

§ 2.132 Involuntary dismissal for failure to take testimony.

* * * * *

(c) ►A◄ [Any] motion filed under paragraph (a) or (b) of this section must be filed before the opening of the testimony period of the moving party ►,◄ [.] ►except that the Trademark Trial and Appeal Board may in its discretion grant a motion under paragraph (a) even if the motion was filed after the opening of the testimony period of the moving party.◄

7. Section 2.145 is proposed to be amended by revising paragraph (d)(1) to read as follows:

§ 2.145 Appeal to court and civil action.

* * * * *

(d) Time for appeal or civil action. (1) The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (paragraph (b) of this section), or for commencing a civil action (paragraph (c) of this section), is sixty days from the date of the decision of the Trademark Trial and Appeal Board or the Commissioner, as the case may be. If a request for rehearing or reconsideration, [,] or modification of the decision [,] is filed within the time specified in ►§§ 2.127(b),◄ [§] 2.129(c) or [§] 2.144, or within any extension of time granted thereunder, the time for filing an appeal or commencing a civil action shall expire at the end of the sixty day period or thirty days after action on the request, whichever is later. The sixty and thirty day periods may be extended by the Commissioner upon a showing of sufficient cause.

* * * * *

Dated: May 3, 1984.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

[FR Doc. 84-15631 Filed 6-8-84; 8:45 am]

BILLING CODE 3510-16-M

VETERANS ADMINISTRATION

38 CFR Part 3

Legislative Increases in Compensation

AGENCY: Veterans Administration.

ACTION: Proposed regulation amendments.

SUMMARY: The Veterans Administration is proposing to amend its adjudication regulations to conform with the provisions of recently enacted legislation. These amendments are necessary because the new law has extended eligibility and increased benefits for certain VA claimants and beneficiaries. The effect of these amendments will be to extend benefits to former prisoners of war, certain dependent children and hospitalized veterans, and certain Senior Reserve Officers' Training Corps members as well as to increase the benefits for certain blinded veterans who also suffer from varying degrees of hearing loss.

DATES: Comments must be received on or before July 11, 1984. It is proposed to make these amendments effective October 1, 1983, as provided by law.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this regulation to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection only at the above address between the hours of 8 a.m. to 4:30 p.m. Monday through Friday (except holidays) until July 25, 1984.

FOR FURTHER INFORMATION CONTACT: Robert M. White, (202) 389-3005.

SUPPLEMENTARY INFORMATION: The Veterans' Compensation and Program Improvements Amendments of 1984 (Pub. L. 98-223) made several changes to title 38, United States Code, which require regulatory amendments. Section 210 of the law requires amendment of 38 CFR 3.6 to establish October 1, 1983, as the effective date of eligibility for veterans' benefits for certain Senior ROTC members who became disabled or died as a result of injury or disease incurred or aggravated in line of duty during field training or a practice cruise prior to October 1, 1982.

Section 113 of the law requires amendment of 38 CFR 3.31 to provide for the payment of temporary total disability benefits in certain cases where a veteran is hospitalized in excess of 21 days and the hospitalization occurs entirely within one calendar month.

Section 201 of the law requires amendment of 38 CFR 3.57 to include within the definition of the term "child" a person who became permanently incapable of self-support prior to reaching age 18, who was a member of the veteran's household at the time he or she became 18 years of age, and who was adopted by the veteran, regardless of the age of such person at the time of adoption.

Section 111 of the law requires amendment of 38 CFR 3.309(c) to add dysthymic disorder (depressive

neurosis) to the list of disabilities for which presumptive service-connection may be granted for former prisoners of war.

Section 112 of the law requires amendments to 38 CFR 3.350 concerning the level of special monthly compensation payable to certain veterans who suffer from blindness in combination with varying degrees of hearing loss.

A technical amendment is also proposed for 38 CFR 3.30 concerning the effective date for rounding down of certain periodic improved pension payments to conform with previous legislation.

The Administrator has certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Therefore, pursuant to 5 U.S.C 605(b), these proposed regulations are exempt from the initial and final regulatory flexibility analyses requirements for sections 603 and 604. The reason for this certification is that these regulations impose no regulatory burdens on small entities, and only claimants for VA benefits will be directly affected.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that these proposed regulations are nonmajor as they will not: (1) Have an effect on the economy of $100 million or more, (2) cause a major increase in costs or prices; (3) have 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.

List of Subjects in 38 CFR Part 3

Administrative practice and procedures, Claims, Handicapped, Health care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance Numbers are 64.104, 64.105, 64.109 and 64.110)

Approved: May 23, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—[AMENDED]

38 CFR Part 3, Adjudication, is amended as follows:

1. In § 3.6, paragraph (c)(4) is revised to read as follows:

§ 3.6 Duty periods.

* * * * *

(c) *Active duty for training.*

* * * * *

(4) Duty performed by a member of a Senior Reserve Officers' Training Corps program when ordered to such duty for the purpose of field training or a practice cruise under chapter 103 of title 10, United States Code (this subparagraph is effective October 1, 1982, with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated after September 30, 1982, and it is effective October 1, 1983, with respect to deaths and disabilitites resulting from diseases or injuries incurred or aggravated before October 1, 1982) (Pub. L. 97–306, as amended by sec. 210, Pub. L. 98–223); and

* * * * *

2. In § 3.30, paragraphs (b) and (c) are revised to read as follows:

§ 3.30 Frequency of payment of improved pension.

* * * * *

(b) *Quarterly.* Payment shall be made every 3 months on or about March 1, June 1, September 1, and December 1, if the annual rate payable is at least $40 but less than $120. The provisions of § 3.29(b) apply to this paragraph. (Pub. L. 98–21)

(c) *Semiannully.* Payment shall be made every 6 months on or about June 1 and December 1, if the annual rate payable is at least $20 but less than $40. The provisions of § 3.29(b) apply to this paragraph. (Pub. L. 98–21)

* * * * *

3. In § 3.31, paragraph (a) is revised and new paragraph (c)(5) is added so that the added and revised material reads as follows:

§ 3.31 Commencement of the period of payment.

* * * * *

(a) *Increased award defined.* For the purposes of this section the term "increased award" means an award which is increased because of an added dependent, increase in disability or disability rating, or reduction in income. The term also includes elections of improved pension under section 306 of Pub. L. 95–588 and awards pursuant to paragraphs 29 and 30 of the Schedule for Rating Disabilities except as provided in paragraph (c) of this section.

* * * * *

(c) *Specific exclusions.* * * *

* * * * *

(5) Temporary total ratings pursuant to paragraph 29 of the Schedule for Rating Disabilities when the entire period of hospitalization or treatment, including any period of post-hospitalization convalescence, commences and terminates within the same calendar month. In such cases the period of payment shall commence on the first day of the month in which the hospitalization or treatment began. (38 U.S.C. 3011(c); sec. 113, Pub. L. 98–223)

4. In § 3.57, new paragraph (a)(3) is added to read follows:

§ 3.57 Child.

(a) *General.* * * *

(3) Subject to the provisions of paragraphs (c) and (e) of this section, the term "child" also includes a person who became permanently incapable of self-support before reaching the age of 18 years, who was a member of the veteran's household at the time he or she became 18 years of age, and who was adopted by the veteran, regardless of the age of such person at the time of adoption. (38 U.S.C. 101(4)(A); sec. 201, Pub. L. 98–223)

* * * * *

§ 3.309 [Amended]

5. In § 3.309, paragraph (c) is amended by adding Dysthymic disorder (or depressive neurosis) (sec. 111, Pub. L. 98–223)" to the bottom of the list of diseases in that paragraph.

6. In § 3.350, paragraph (e)(1)(iv) is added (the first sentence of paragraph (e)(1) is shown for the reader's convenience), and paragraph (f)(2) is revised to read as follows:

§ 3.350 Special monthly compensation ratings.

* * * * *

(e) *Ratings under 38 U.S.C. 314(o).* (1) The special monthly compensation provided by 38 U.S.C. 314(o) is payable for any of the following conditions:

* * * * *

(iv) Service-connected total deafness in one ear or bilateral deafness rated at 40 percent or more disabling (and the hearing impairment in either one or both ears is service-connected) in combination with service-connected blindness of both eyes having only light perception or less. (Sec. 112, Pub. L. 98–223)

* * * * *

(f) *Intermediate or next higher rate.*

* * *

(2) Eyes, bilateral, and blindness in connection with deafness and/or loss or loss of use of a hand or foot.

(i) Blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate between 38 U.S.C. 314 (l) and (m).

(ii) Blindness of one eye with 5/200 visual acuity or less and anatomical loss of, or blindness having no light

perception in the other eye, will entitle to a rate equal to 38 U.S.C. 314(m).

(iii) Blindness of one eye having only light perception and anatomical loss of, or blindness having no light perception in the other eye, will entitle to a rate between 38 U.S.C. 314 (m) and (n).

(iv) Blindness in both eyes with visual acuity of 5/200 or less, or blindness in both eyes rated under subparagraph (2) (i) or (ii) of this paragrpah, when accompained by service-connected total deafness in one ear, will afford entitlement to the next higher intermediate rate of if the veteran is already entitled to an intermediate rate, to the next higher statutory rate under 38 U.S.C. 314, but in no event higher than the rate for (o).

(v) Blindness in both eyes having only light perception or less, or rated under subparagraph (2)(iii) of this paragraph, when accompanied by bilateral deafness (and the hearing impairment in either one or both ears is service-connected) rated at 10 or 20 percent disabling, will afford entitlement to the next higher intermediate rate, or if the veteran is already entitled to an intermediate rate, to the next higher statutory rate under 38 U.S.C. 314, but in no event higher than the rate for (o). (Sec. 112, Pub. L. 98–223)

(vi) Blindness in both eyes rated under 38 U.S.C. 314 (l), (m) or (n), or rated under subparagraphs (2)(i), (ii) or (iii) of this paragraph, when accompanied by bilaterial deafness rated at no less than 30 percent, and the hearing impairment in one or both ears is service-connected, will afford entitlement to the next higher statutory rate under 38 U.S.C 314, or if the veteran is already entitled to an intermediate rate, to the next higher intermediate rate, but in no event higher than the rate for (o). (38 U.S.C. 314(p); Pub. L. 98–223)

(vii) Blindness in both eyes rated under 38 U.S.C. 314 (l), (m), or (n), or under the intermediate or next higher rate provisions of this subparagraph, when accompanied by:

(A) Service-connected loss or loss of use of one hand, will afford entitlement to the next higher statutory rate under 38 U.S.C. 314 or, if the veteran is already entitled to an intermediate rate, to the next higher intermediate rate, but in no event higher than the rate for (o); or

(B) Service-connected loss or loss of use of one foot which by itself or in combination with another compensable disability would be ratable at 50 percent or more, will afford entitlement to the next higher statutory rate under 38 U.S.C. 314 or, if the veteran is already entitled to an intermediate rate, to the next higher intermediate rate, but in no event higher than the rate for (o); or

(C) Service-connected loss or loss of use of one foot which ratable at less than 50 percent and which is the only compensable disability other than bilateral blindness, will afford entitlement to the next higher intermediate rate or, if the veteran is already entitled to an intermediate rate, to the next higher Statutory rate under 38 U.S.C. 314, but in no event higher than the rate for (o). (38 U.S.C. 314(p)) (Pub. L. 97–306)

* * * * *

(Pub. L. 98–223)

[FR Doc. 84–15563 Filed 6–8–84; 8:45 am]
BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 145 and 146

[OW–FRL 2605–3]

State of Mississippi Oil and Gas Board Underground Injection Control Primacy Application and Aquifer Exemption; Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency has received a complete application from the Mississippi Oil and Gas Board requesting approval of its Underground Injection Control Program; (2) this application contains a proposal under the provisions of the Safe Drinking Water Act (SDWA), to exempt a portion of the Wilcox Aquifer in Jasper County, Mississippi, for deep well injection purposes; (3) the application, including the documentation for the aquifer exemption is available for inspection and copying; (4) public comments are requested; and (5) a public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the State's complying with the statutory requirement that there be an Underground Injection Control Program in designated States.

DATES: A public hearing has been scheduled for July 10, 1984, at 7:30 P.M. EPA will accept public comments on the proposed exemption until midnight July 20, 1984, either in writing or at the informal public hearing.

ADDRESS: Written requests to comment should be sent to David Peacock, Chief, Groundwater Section, Water Supply Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365. The public hearing will be held at the Mary Weems Parker Memorial (Town) Library in Heidelberg, Mississippi.

FOR FURTHER INFORMATION CONTACT: David Peacock, Chief, Groundwater Section, Environmental Protection Agency, (404) 881–3866, at the address stated above.

SUPPLEMENTARY INFORMATION: The Agency has compiled and reviewed information and data on injection occurring into the Lower Wilcox Aquifer in Jasper County, Mississippi, to determine whether or not it is an Underground Source of Drinking Water (USDW) that should be exempted, thus allowing continued injection of brine into this formation. A USDW is defined by regulation as an aquifer or its portion:

(a) (1) Which supplies any public water system; or

(2) Which contains a sufficient quantity of groundwater to supply a public water system, and

(i) Currently supplies drinking water for human comsumption; or

(ii) Contains fewer than 10,000 mg/l total dissolved solids; and

(b) Which is not an exempted aquifer.

The Administrator of EPA may exempt specific aquifers or portions thereof if the aquifer meets the criteria established in 40 CFR 146.4. Briefly, these criteria state that an aquifer may be exempted if it does not currently serve as a source of drinking water and it cannot now and will not in the future serve as a source of drinking water or the total dissolved solids content in the groundwater is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.

The geographical limits of the portion of the aquifer proposed to be exempted is described as follows:

All of sections 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 34, 35 and 36 in Township 1 North, Range 12 East; and all of sections 18, 19, 20, 29, 30, 31, 32 and 33 in Township 1 North, Range 13 East; and all of sections 3, 4, 5, 6 and 7 in Township 10 North, Range 10 West; and all of section 1 in Township 10 North, Range 11 West in Jasper County, Mississippi.

The proposed comment period and public hearing will provide EPA the information and public opinion necessary either to approve or disapprove in whole or in part the application from the Mississippi Oil and Gas Board to regulate Class II injection wells and whether to approve or

disapprove the proposed aquifer exemption.

Dated: June 3, 1984.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 84-15408 Filed 6-8-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 84-279]

Authorization of Narrowband Technologies for Base and Mobile Communications in the Private Land Mobile Radio Services; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule extension of comment/reply comment period.

SUMMARY: The Private Radio Bureau, by delegated authority, extends the time for filing comments in this proceeding concerning the authorization of narrowband technologies for base and mobile communications. This action is in response to a request by the Land Mobile Communications Council.

DATES: Comments and reply comments are now due by August 10, 1984 and September 10, 1984, respectively.

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

FOR FURTHER INFORMATION CONTACT: Michael Kennedy or Keith Plourd, (202) 634-2443, Private Radio Bureau, Washington, D.C. 20554.

SUPPLEMENTARY INFORMATION: The Proposed Rule was published in the Federal Register on May 4, 1984 on page 49 FR 19074.

Order

In the matter of amendment of Part 90 of the Commission's Rules and Regulations to Authorize Narrowband Technologies for Base and Mobile Communications in the Private Land Mobile Radio Services; PR Docket No. 84-279.

Adopted: June 1, 1984.
Released: June 5, 1984.

By the Chief, Private Radio Bureau.

1. On April 4, 1984, the Commission released a *Notice of Proposed Rule Making* to propose the introduction of narrowband technologies in the Private Land Mobile Radio Services. Comments are due June 11, 1984, and reply comments July 11, 1984. The Land Mobile Communications Council (LMCC) has requested an extension of time for filing comments. LMCC requests that the comment period be extended until September 10, 1984, with reply comments due October 10, 1984. The Land Mobile Section of the Communications Division of the Electronic Industries Association, the Association of American Railroads, and Forest Industries Telecommunications filed comments in support of LMCC's motion.

2. LMCC argues that it needs additional time to evaluate and respond fully to the complex technical issues raised in the *Notice*. In order to do this, LMCC intends to conduct a comprehensive study of narrowband technologies. LMCC expects to provide valuable input on the benefits of narrowband technologies in the land mobile services and on the potential for interference between narrowband and conventional systems. According to LMCC, a 90 day extension is needed to allow adequate time for completion and analysis of the study.

3. Sideband Technology, Inc. (STI) filed an opposition to the LMCC motion. STI argues that the present 60 day period for filing comments should be sufficient because the Commission has already evaluated amplitude compandored sideband, a prominent narrowband technology currently in use in the Private Radio Services. STI points out that some LMCC members are currently using narrowband equipment and have practical experience with its benefits. Stephens Engineering Associates, Inc. also filed an opposition to the LMCC motion, noting that LMCC has already had approximately three months from the release of the Commission's *Notice* to commence its study. LMCC replied to the oppositions to its motion, reiterating its request for a 90 day extension and indicating that its study of narrowband technologies is already underway.

4. In the *Notice* the Commission requested comments addressing the impact of narrowband assignments on present radio users and whether mileage separations would be necessary to protect existing radio systems. The proposed study would appear to offer some valuable information in this regard. We recognize the importance and considerable breadth of the issues involved in this proceeding and we seek to develop a complete record on which to base our final decisions. However, in light of the 60 day comment period already provided and the Commission's desire to provide for the regular licensing of narrowband technologies in the Private Radio Services as soon as possible, we believe a 60 day extension is appropriate.

5. Accordingly, it is ordered, pursuant to the authority set forth in § 0.331 of the Commission's Rules, that interested persons are to file comments in this matter by August 10, 1984, and reply comments by September 10, 1984.

Federal Communications Commission.

Robert S. Foosaner,

Chief, Private Radio Bureau.

[FR Doc. 84-15535 Filed 6-8-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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

ACTION: Notice of public hearings.

SUMMARY: The Gulf of Mexico and South Atlantic Fishery Management Councils, established by section 302 of the Magnuson Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will convene mackerel public hearings to review bag limits for recreational fishermen, reduced harvest quotas for commercial fishermen, and other measures to manage the stock.

DATES: All hearings will begin at 7:00 p.m., and will end at approximately 10:00 p.m. See **"SUPPLEMENTARY INFORMATION"** for dates and locations of public hearings.

FOR FURTHER INFORMATION CONTACT: Wayne Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, 813-228-2815.

SUPPLEMENTARY INFORMATION: The public hearings are scheduled as follows:

Date and Location

July 9, 1984—City Hall/Commission Room, 9 Harrison Avenue, Panama City, Florida; Civic Center/Stokely Hall, 100 International Drive, Brownsville, Texas

July 10, 1984—Mobile Municipal Auditorium, 401 Auditorium Drive, Mobile, Alabama; Texas A&M University Auditorium, Corpus Christi, Texas

July 11, 1984—Power Company Auditorium/ Ground Floor, Intersection of U.S. Highway 90 and 30th Avenue, Gulfport, Mississippi; Brazoport High School Auditorium, Freeport, Texas

July 17, 1984—Key West High School Auditorium, 2100 Flagler Avenue, Key West, Florida

July 19, 1984—National Marine Fisheries Service Southeast Center/Seminar Room, 75 Virginia Beach Drive, Miami, Florida

July 23, 1984—Sheraton Hotel/Lafayette Room, 1801 Pinhook, Lafayette, Louisiana; County Civic Center, Fort Pierce, Florida

July 24, 1984—Firehouse, St. Phyllis Street, Raceland, Louisiana; Holiday Inn Surfside, 2700 North Atlantic Avenue, Daytona Beach, Florida

July 25, 1984—Bay Front Center/Posno Room, 400 First Street, South, St. Petersburg, Florida; Jacksonville, Florida

July 26, 1984—Savannah Science Museum, 4405 Paulsen Street, Savannah, Georgia

July 27, 1984—South Carolina Wildlife and Marine Resources Center, Ft. Jackson Road, Charleston, South Carolina

July 30, 1984—Landmark Hotel/Peach Room, 1501 South Ocean Boulevard, Myrtle Beach, South Carolina

July 31, 1984—Marine Resources Center, Fort Fisher, Kure Beach, North Carolina

August 1, 1984—Marine Resources Center, Bogues Bank, Atlantic Beach, North Carolina

August 2, 1984—Marine Resources Center, Manteo, North Carolina

Dated: June 6, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-15550 Filed 6-8-84; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 49, No. 113
Monday, June 11, 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.

ACTION

Intergovernmental Review of ACTION Programs

AGENCY: ACTION.

ACTION: Notice of revision to list of included programs for Intergovernmental Review.

SUMMARY: This is to provide notice of ACTION's decision to revise the list of programs which may be included for intergovernmental review by states that adopt a state process in accordance with Executive Order 12372.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: James B. Williams, Assistant Director for Policy and Planning, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, (202) 634–9304.

SUPPLEMENTARY INFORMATION: As stated in the scope provision of the preamble to ACTION's final rule "Intergovernmental Review of ACTION program" published in the **Federal Register** June 24, 1983 (48 FR 29284), ACTION has reviewed its initial decision not to exclude any ACTION program from E.O. 12372 coverage. The decision to include all Agency programs was based on lack of experience with the new E.O. 12372 process and its effect on programs not previously subject to the provisions of OMB Circular Number A–95. Historically, the only ACTION programs covered by the Circular were the Older American Volunteer (OAVP) Programs.

(Catalog of Federal Domestic Assistance numbers 72.001 Foster Grandparent Program (FGP); 72.002 Retired Senior Volunteer Program (RSVP); and 72.008 Senior Companion Program (SCP)

Based on experience to date and subsequent review of the process and program inclusions, ACTION has determined that special emphasis and demonstration programs funded under Title I, Part C of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4991), which test new ways of developing and utilizing volunteer resources, will no longer be included for review by states under the intergovernmental review process. As listed in the Catalog these programs are:

72.010 Mini-Grant Program.
72.011 State Office of Voluntary Citizen Participation (S/OVCP).
72.012 Volunteer Demonstration Program.
72.013 Technical Assistance Program (TAP).

It has been determined that these programs fall squarely within the "Class Exclusions" defined by OMB Bulletin No. 82–15 (July 19, 1982), specifically Category 2b, "Research, development or demonstration other than that specified in the description of inclusions below." Examples of programs and activities *within* the scope of the Executive Order and subject to its intergovernmental review provisions are those with a unique geographic focus directly relevant to the governmental responsibilities of a state or local government within that geographic area: *or* necessitate preparation of an Environmental Impact Statement under NEPA; or which require unusual measures to limit the possibility of adverse exposure or hazard to the general public. Since these do not apply to ACTION's special emphasis and demonstration programs or activities, they are clearly outside the scope of E.O. 12372.

Accordingly, the following ACTION programs, as listed in the Catalog of Federal Domestic Assistance, may be included for intergovernmental review by states that adopt a state process in accordance with E.O. 12372:

72.001 Foster Grandparent Program (FGP).
72.002 Retired Senior Volunteer Programs (RSVP).
72.003 Volunteers in Service to America (VISTA).
72.005 Service Learning Programs, National Center for Service Learning (NCSL), Young Volunteers in ACTION (YVA).
72.008 Senior Companion Program (SCP).

Signed at Washington, D.C., this 5th day of June 1984.

Thomas W. Pauken,
Director, ACTION.

[FR Doc. 84–15588 Filed 6–8–84; 8:45 am]
BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

West Fork of Pond River Watershed, Kentucky

AGENCY: Soil Conservation Service.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality guidelines (40 CFR Part 1500); and the Soil Conservation Service guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the West fork of Pond River Watershed, Christian and Hopkins Counties, Kentucky.

FOR FURTHER INFORMATION CONTACT: Randal W. Giessler, State Conservationsist, Soil Conservation Service, 333 Waller Avenue, Lextington, KY 40504, telephone: 606–233–2749.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Randall W. Giessler, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

This project concerns a plan for watershed protection and flood prevention. The original work plan called for eight floodwater retarding structures, one multi-purpose structure, and 25 miles of channel improvement. Seven floodwater retarding structures have been constructed. At the ruequest of the sponsors, the 25 miles of channel improvement is being deleted from the project. The multi-purpose structure is being changed to a floodwater retarding structure. The planned action is to complete two remaining floodwater

retarding structures. This planned action will reduce upland erosion, downstream flooding and sedimentation.

The Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The Finding of No Significant Impact has been prepared and sent to various federal, state and local agencies, and interested parties. A limited number of copies of the FONSI are available to fill single-copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Randall W. Giessler, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, KY 40504.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Public Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: May 31, 1984.

Randall W. Giessler,

State Conservationist.

[FR Doc. 84-15525 Filed 6-8-84; 8:45 am]

BILLING CODE 3410-16-M

Portland Watershed, Tennessee; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Portland Watershed, Sumner County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Donald C. Bivens, State Conservationist, Soil Conservation Service, 675 U.S. Courthouse, Nashville, TN, telephone (615) 251-5471.

SUPPLEMENTARY INFORMATION: The environmental assessment of this Federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Donald C. Bivens, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Portland Watershed, Tennessee; Notice of a Finding of No Significant Impact.

The project concerns a plan for flood control and environmental enhancement. The planned works of improvement include 8,175 feet of modified channel, four pipes at railroad sidings, one bridge replacement, and two bridge modifications. The planned project will reduce residential and agricultural flood damages, reduce the threat of sewage pollution of groundwater resources, improve water quality and fish habitat in 3.7 miles of stream, and enhance wildlife values on 38 acres.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, state, and local agencies, and interested parties. Copies of the FONSI are limited and available only by request. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Donald C. Bivens.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of Federal and Federally-assisted programs and projects is applicable)

Donald C. Bivens,

State Conservationist.

April 3, 1984.

[FR Doc. 84-15575 Filed 6-8-84; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Decision on Application for Duty-Free Entry of Scientific Instrument; University of Illinois at Urbana-Champaign

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 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.: 83-50R. Applicant: University of Illinois at Urbana-Champaign, Urbana, IL 61801. Instrument: Superconducting Magnet System, 8.5 Tesla, 89 mm RT Bore. Original notice of this resubmitted application was published in the **Federal Register** on May 24, 1983.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 83-00050 which was denied without prejudice to resubmission for informational deficiencies. The foreign article, an accessory to an existing 100 megahertz NMR spectrometer, expands the capabilities of the existing instrument by providing (1) a persistent mode of operation and (2) 8.45 tesla with an 89 mm RT bore. The National Bureau of Standards advises in its memorandum dated May 30, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-15570 Filed 6-8-84; 8:45 am]

BILLING CODE 3510-DS-M

Telecommunications Equipment Technical Advisory Committee; Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held June 26, 1984, at 9:30 a.m., Herbert C. Hoover Building, Room 5230, 14th Street and Constitution Avenue, N.W., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to telecommunications equipment or technology. The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the

U.S. and COCOM control program and strategic criteria related thereto.

A Notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: (202) 377–4217. For further information contact Mrs. Margaret A. Cornejo (202) 377–2583.

Dated: June 6, 1984.

James K. Pont,

Deputy Director, Office of Export Administration.

[FR Doc. 84–15571 Filed 6–8–84; 8:45 am]

BILLING CODE 3510–DT–M

Importers and Retailers' Textile Advisory Committee; Open Meeting

A meeting of the Importers and Retailers' Textile Advisory Committee will be held Wednesday, July 11, 1984, 10:30 a.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue NW., Washington, D.C. (The Committee was established by the Secretary of Commerce on August 13, 1963 to advise Department officials of the effects on import markets of cotton, wool, and man-made fiber textile and apparel agreements).

Agenda: Review of import trends, implementation of textile agreements, report on conditions in the domestic market, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Helen L. LeGrande (202) 377–3737.

Dated: June 6, 1984.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 84–15603 Filed 6–8–84; 8:45 am]

BILLING CODE 3510–DR–M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of public workshop on requirements for accrediting photographic film testing laboratories.

SUMMARY: The National Bureau of Standards will hold an informal public workshop on June 22, 1984, to provide interested parties an opportunity to participate in the development of technical requirements for accrediting laboratories that test photographic film.

DATE: The workshop will be held on Friday, June 22, 1984, from 10:00 a.m. to 3:00 p.m.

Place: The workshop will be held at the Association of Information and Image Management headquarters, 11th floor, 1100 Wayne Avenue, Silver Spring, MD.

FOR FURTHER INFORMATION CONTACT: John Locke, Manager, Laboratory Accreditation, National Bureau of Standards, Technology Building, Room B141, Washington, DC 20234, (310) 921–3431. Please call us before June 20 if you wish to attend the meeting.

SUPPLEMENTARY INFORMATION: On September 30, 1983, the National Bureau of Standards published in the **Federal Register** a final finding of need to accredit laboratories that test photographic film (48 FR 44873–44875) based on a written request from the Association of Information and Image Management, Silver Spring, MD.

The following procedures are established for the workshop:

1. *Purpose.* The purpose of the workshop is to provide all interested persons with an opportunity to participate in the development of technical and proficiency testing requirements for accreditation of laboratories that test photographic film and to enable NBS to secure valuable expert advice to develop these requirements.

2. *Conduct of Workshop.* This workshop will be an informal nonadversary meeting. The presiding officer from NBS shall have the right to allocate the time available for discussion of each issue to be addressed and to exercise such authority as may be necessary to insure the equitable and efficient conduct of the workshop and to maintain order.

3. *General Provisions.* This workshop will be open to the public. Summary minutes of the workshop will be prepared. A copy of those minutes will be available for inspection and copying in the Department of Commerce's Central Reference and Records Inspection Facility, Room 6628, Main Commerce Building, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC 20230.

Dated: June 5, 1984.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 84–15527 Filed 6–8–84; 8:45 am]

BILLING CODE 3510–13–M

CONSUMER PRODUCT SAFETY COMMISSION

Public Meeting Concerning Commission Priorities

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public meeting.

SUMMARY: The Commission will conduct a public meeting to obtain views from interested parties about priorities for Commission attention during fiscal year 1986. Participation by members of the public is invited. Written comments and oral presentations concerning Commission priorities will become part of the public record of this proceeding.

DATES: The meeting will begin at 9:30 a.m. on July 10, 1984. Requests from members of the public who desire to make presentations must be received by the Office of the Secretary not later than July 5, 1984. Persons desiring to make presentations at this meeting must submit a written text or summary of their presentations no later than July 5, 1984.

ADDRESS: The meeting will be in the third floor conference room, 1111 18th Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: For information about the meeting or to request opportunity to make a presentation at the meeting, call or writen Sheldon Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6800.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission will conduct a public meeting to receive views from interested parties concerning establishment of priorities for Commission attention during fiscal year 1986 (Oct. 1, 1985 through Sept. 30, 1986). The meeting will begin at 9:30 a.m. on July 10, 1984, in the Commission's hearing room, third floor, 1111 18th Street, N.W., Washington, D.C.

The purpose of this meeting is to obtain views concerning projects and activities which should be given priority by the Commission during fiscal year 1986 from a wide range of interested parties including representatives of consumers; manufacturers, importers, distributors, and retailers of consumer products; members of the academic

community; and representatives of health and safety agencies of state and local governments.

The Commission is an independent regulatory agency of the U.S. government which is headed by five Commissioners who are appointed by the President with the advice and consent of the Senate.

The Commission is charged by Congress with protection of the public from unreasonable risks of injury associated with consumer products. In accordance with that mandate, the Commission administers and enforces the following laws, and rules issued under those laws:

The Consumer Product Safety Act (15 U.S.C. 2051, *et seq.*);

The Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*);

The Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); and

The Poison Prevention Packaging Act (15 U.S.C. 1471 *et seq.*)

Standards and regulations issued under those statutes are published in the Code of Federal Regulations, Title 16, Chapter II.

While the Commission has broad jurisdiction over products used by consumers in or around their homes, in schools, in recreation, and other settings, its staff and budget are limited. For these reasons, the Commission must concentrate its resources on the most serious hazards associated with consumer products within its jurisdiction in order to discharge its Congressional mandate effectively.

In its budget request for fiscal year 1985 (Oct. 1, 1984 through Sept. 30, 1985), the Commission identified nine priority projects for that fiscal year. Those projects are described in Appendix 1 to this notice. The Commission's priority projects for fiscal year 1985 (Oct. 1, 1983 through Sept. 30, 1984) are also described in Appendix 1. The order in which the projects appear in Appendix 1 does not reflect the relative priority of one project over another, and that appendix does not contain a complete list of all projects undertaken by the Commission during those fiscal years.

Commission priorities are selected in accordance with Commission policy governing establishment of priorities, published at 16 CFR 1009.8.

Interested parties who desire to make presentations at the meeting on July 10, 1984, should call or write Sheldon Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6800, not later than July 5, 1984.

Presentations should be limited to approximately ten minutes. Persons desiring to make presentations must submit the written text or a summary of their presentations to the Office of the Secretary not later than July 5, 1984.

The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations.

The public meeting will begin at 9:30 a.m. on July 10, 1984, and will conclude the same day.

Dated: June 6, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Appendix 1—Commission Priorities for Fiscal Year 1985 (October 1, 1984 Through September 30, 1985)

Chlorocarbons. Bioassays of two chemicals which have wide consumer exposure (perchloroethylene, widely used in dry cleaning, and dichloromethane, used as a paint remover and solvent) are scheduled to be completed in FY 1984. The Commission will evaluate these bioassays as well as studies of the potential for consumer exposure to these chemicals in order to analyze the cancer risk that may be posed by exposure of consumers to these products. A Chronic Hazard Advisory Panel may be convened in FY 1985 and remedial strategies will be pursued in FY 1985 as appropriate.

Electrocution Hazards. Each year more than 600 persons are electrocuted in incidents involving products under CPSC jurisdiction. Approximately 400 of these accidents involve products such as power tools, kitchen appliances, house wiring, and personal grooming equipment. For example, it is estimated that 136 electrocutions involving hair dryers have occurred between 1977 and 1981. In FY 1985, the Commission will: (1) Work to improve the voluntary safety standard for hair dryers; (2) pursue the incorporation of miniaturized ground fault circuit interrupters in certain appliances; and (3) attempt to change the National Electric Code to require ground fault protection in high hazard areas of homes.

Fire Toxicity. Residential fires are responsible for approximately 5,000 deaths annually. More than half of these deaths are estimated to be attributable to the inhalation of toxic gases rather than from burns. Carbon monoxide is generally accepted as the major single cause of smoke inhalation deaths; however, there is increasing concern that other toxic gases may also play an important role in such deaths. The objective of this project is to ultimately reduce deaths and injuries resulting from toxic combustion products. In FY 1985, the Commission will continue to work with Federal, State and local agencies to focus activities in the field of fire toxicity. CPSC will also review the scientific and technical literature to describe the types and quantities of toxic gases given off by various materials, and will conduct laboratory tests to determine the relative toxicity of combustion products given off when various materials burn.

Gas Heating Systems. An estimated 290 carbon monoxide poisoning deaths associated with gas appliances in the home occur each year. The largest single contributor to these deaths is vented gas-fired heaters; accidents involving these products result in an estimated 130 carbon monoxide-related deaths annually. Gas-fired hearting appliances also accounted for 23,000 fires and 130 fire-related deaths in 1981. In FY 1985, the Commission will continue efforts to encourage the development of reliable, low cost carbon monoxide and fuel gas detectors which could be used on gas-fired appliances. In addition, CPSC will recommend safety improvements to the voluntary standard for water heaters to address fire and explosion hazards.

Indoor Air Quality. The Commission is concerned about possible adverse health effects caused by pollutant emissions into the air of residences from fuel-fired appliances (including kerosene heaters, gas space heaters, cabinet heaters, gas stoves, and coal and wood burning stoves) and from pressed wood products. Pollutants include carbon monoxide, nitrogen oxides, sulfur dioxide, particulates, organics and formaldehyde. Studies indicate that several groups, including children, the elderly, asthmatics, and persons with heart or lung dysfunction are of special concern because of increased sensitivity to pollutant exposure. In FY 1985, the Commission will continue its efforts to assess consumer exposure and will work cooperatively with industry to develop remedial strategies to reduce the risk of illness.

Nursery Equipment. In 1981, an estimated 87,000 injuries associated with products such as cribs, strollers, baby gates, high chairs, and other nursery equipment or supplies were treated in hospital emergency rooms. From 1973 to 1981, the Commission also received reports of approximately 1,084 fatalities associated with these products. In FY 1985, the Commission will conduct a program to: (1) Alert consumers to the dangers of nursery equipment which does not meet current mandatory and voluntary standards; (2) inform them how to retrofit and improve the safety of older equipment; and (3) guide them in

the selection of safer new products. The agency will initiate efforts to reach new and expectant parents and others who care for infants with safety information to help them recognize and reduce potential hazards associated with nursery equipment and supplies.

Portable Electric Heaters. The primary hazard associated with the use of portable electric heaters is fire. It is estimated that in 1981 there were 150 deaths, 700 injuries and 3,300 fires associated with portable electric heaters. In FY 1985, the Commission will evaluate the existing voluntary standards for portable electric heaters, and work with industry to upgrade the standard and improve the safety of these products.

Riding Mowers. An estimated 100 deaths each year are associated with riding mowers and garden tractors. In 1980, these products were involved in an estimated 38,000 medically-attended injuries. Many of the fatal accidents involve mower tipover. In other cases, victims fall under or are run over by mowers (incidents involving young children are included in this category). The risk of injury associated with a riding mower is estimated to be 50 percent higher than the risk with a walk-behind mower. In FY 1985, the Commission will participate with industry in efforts to upgrade the voluntary standard for riding mowers.

Safety for Older Consumers. The population of Americans 65 years and older has increased dramatically in recent years, and will continue to grow. The elderly are particularly vulnerable to accidents, which may cause serious injuries and deaths. In FY 1985, the Commission plans to work with State and local agencies and other organizations to plan the use of home safety audits by these groups to assist older consumers in minimizing safety hazards in their homes.

Commission Priorities for Fiscal Year 1984 (October 1, 1983 Through September 30, 1984)

Chain Saws—Each year, an estimated 28,000 medically attended injuries occur from chain saw "kickback" (the sudden rearward and upward travel of a chain saw when it bucks, kicks or unexpectedly jumps toward the operator). In FY 1984, the Commission will continue work toward development of a mandatory product safety standard designed to address the kickback hazard, and will work with industry on a voluntary standard as an alternative. In addition, the agency will work on strategies to address non-kickback injuries (estimated at 95,000 per year, but generally less serious than kickback injuries), and will conduct an information and education program to inform consumers how to use chain saws safely.

Chlorocarbons—See discussion in FY '85 priorities.

Gas Heating Equipment—See discussion in FY '85 priorities.

Indoor Air Quality—See discussion in FY '85 priorities.

Juvenile Sports Equipment—Each year, there are over 900,000 medically attended injuries of children from the ages of 5 through 14 associated with baseball, football and soccer activities. Between 1973 and 1980, there were over 60 deaths of children in this same age group which were associated with these sports. In FY 1984, the Commission will conduct a detailed analysis of injuries, test protective equipment, and develop proposals to improve safety in the juvenile sports area. Proposals to improve safety may include information and education efforts, rule changes, and equipment improvements.

Particleboard and Paneling—Formaldehyde emissions from these pressed wood products may constitute a health risk to consumers. Both acute and chronic health hazards are of concern. In FY 1984, the Commission will continue the evaluation of formaldehyde emissions from these products and the assessment of consumer exposure and risk resulting from the use of these products in conventional (as opposed to mobile) homes. This work will provide the basis for determining whether any action is necessary to reduce possible health hazards. Industry is working cooperatively with the Commission in evaluating technical data on methods of measuring formaldehyde emissions as well as sharing information on resin technology and product use.

Poison Prevention Packaging—The Poison Prevention Packaging Act provides authority to issue regulations requiring child-resistant packaging for certain products to protect children from serious injury or illness. In FY 1984, CPSC will investigate and develop proposals, if appropriate, to require child-resistant packaging for certain camphorated products, petroleum distillates and topical drugs to prevent ingestion injuries from these products. In addition, CPSC is concerned that increased usage of dual purpose closures may lead to increased accidental ingestion of dangerous chemicals by children. In FY 1984, the agency will continue to monitor market data and ingestion data, and, if necessary, will develop regulations rearding the use of dual purpose closures.

Safety for Older Consumers—See discussion in FY '85 priorities.

Smoldering Ignition—Fire is the fourth leading cause of accidental death in the United States, and the second leading cause of accidental death in the home. Upholstered furniture fires cause more deaths than any other product under CPSC jurisdiction. It is estimated that 1,150 deaths, 4,200 injuries and 24,600 fires occur annually as a result of cigarette ignition of upholstered furniture. Mattress and bedding fires, which cause an estimated 1,000 deaths annually, are also a serious safety problem.

In FY 1984, the Commission will continue its cooperative efforts with industry to improve the resistance of upholstered furniture to cigarette ignition. The agency will also conduct an information and education program to warn consumers of the fire hazard. In addition, CPSC will analyze injury data associated with mattress and bedding fires, and will develop remedial strategies for the hazard.

[FR Doc. 84-15557 Filed 6-8-84; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DoD-University Forum, Working Group on Export Controls, Advisory Committee Meeting

The Working Group on Export Control of the DoD-University Forum will meet in open session on June 28, 1984, from 9:30 a.m. until 4:00 p.m., in Room 304 at No. 11 Dupont Circle, Washington, D.C. 20036.

The mission of the DoD-University Forum Working Group on Export Control is to assess the impact on universities of proposed international export controls.

The meeting is scheduled to discuss development of procedures for complying with draft national policy statement on Transfer of Scientific and Technical Information of May 24, 1984.

Public attendance will be accommodated as space permits. Public attendees are requested to telephone Mr. Frank Sobieszczyk in the DoD Office of Research and Laboratory Management on Area Code 202/694-0205 before COB June 22, 1984, to be advised of seating accommodations.

Dated: June 6, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-15560 Filed 6-8-84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Privacy Act of 1974; Deletions of and Amendments to Notices for Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Deletion of and amendments to notices for systems of records.

SUMMARY: The Department of the Army proposes to delete 12 and amend 7 system notices for systems of records subject to the Privacy Act of 1974, as amended. Following identification of changes, amended notices are printed below in their entirety.

DATES: Actions shall be effective in 30 days.

ADDRESSES: Comments may be submitted to Headquarters, Department of the Army ATTN: DAAG-AMR-S, 2461 Eisenhower Avenue, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Headquarters, Department of the Army, at the above address; telephone: 703/325-6163.

SUPPLEMENTARY INFORMATION: The Army's system of records notices subject to the Privacy Act of 1984 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** as follows:

FR Doc 83-12048 (48 FR 25502), June 3, 1983
FR Doc 83-18883 (48 FR 32046), July 13, 1983
FR Doc 83-24181 (48 FR 40291), September 6, 1983
FR Doc 83-28792 (48 FR 49086), October 24, 1983
FR Doc 84-1118 (49 FR 2006), January 17, 1984
FR Doc 84-2331 (49 FR 3506), January 27, 1984
FR Doc 84-3683 (49 FR 5170), February 10, 1984
FR Doc 84-6438 (49 FR 8993), March 9, 1984
FR Doc 84-11652 (49 FR 18600), May 1, 1984
FR Doc 84-14035 (49 FR 22122), May 25, 1984

The proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) which requires the submission of an altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

June 6, 1984.

DELETIONS

A0703.02aDAPE

System name:

United States Military Academy Entrance Examination Result Files (48 FR 25643), June 6, 1983.

Reason:

Records are covered by system notice A0709.01aDAPE being amended in this **Federal Register.**

A0703.09aDAPE

System name:

Evaluation Files on Cadets and Potential Instructors (48 FR 25645), June 6, 1983.

Reason:

Records have been consolidated with records described in system notice A0703.07aDAPE, reidentified as A0714.03DAPE and published in this **Federal Register.**

A0709.03cDAPE

System name:

Admissions and Registrar Mailback Card (48 FR 25672), June 6, 1983.

Reason:

Records are covered by system notice A0401.02bDAAG, being amended in this **Federal Register.**

A0709.06ADAPE

System name:

Alumni Affairs and Gifts Program Division Donor Data System (48 FR 25673), June 6, 1983.

Reason:

Records are no longer accumulated or retained.

A0709.10aDAPE

System name:

Athletic Pointer File (48 FR 25673), June 6, 1983.

Reason:

Records are no longer accumulated or retained.

A0709.11aDAPE

System name:

United States Military Academy Cadet Record Card (48 FR 25674), June 6, 1983.

Reason:

Records are covered by system notice A0709.03DAPE, redescribed and republished in this **Federal Register.**

A0709.12aDAPE

System name:

USMA Admissions Participant Roster and File (48 FR 25674), June 6, 1983.

Reason:

Records are covered by system notice A0401.02bDAAG, reissued in this **Federal Register.**

A0714.04aDAPC

System name:

Branch Transfer/Detail Files (48 FR 25680), June 6, 1983.

Reason:

Records are covered in system notice A0708.08aDAPC, Career Management Individual Files.

A0723.01DAAG

System name:

Entertainment Case Files (48 FR 25688), June 6, 1983.

Reason:

Records are covered in proposed revision of system notice A0723.09DAAG, published in this **Federal Register** as A0723.01DAAG.

A0723.03aDAPE

System name:

Civilian Season Ticket Holders File (48 FR 25689), June 6, 1983.

Reason:

Records are covered in proposed revision of system notice A0723.09DAAG, published in this **Federal Register** as A0723.01DAAG.

A0723.08bDAPE

System name:

Army Athletic Association Membership File (48 FR 25690), June 6, 1983.

Reason:

Records are covered in proposed revision of system notice A0723.09DAAG, published in this **Federal Register** as A0723.01DAAG.

A0723.08cDACS

System name:

Pentagon Officers Athletic Center Membership Files (48 FR 25690), June 6, 1983.

Reason:

Records are covered in proposed revision of system notice A0723.09DAAG, published in this Federal Register as A0723.01DAAG.

AMENDMENTS

A0305.11aDAPE

System name:

USMA Cadet Pay and Accounts System

Changes:

System ID:

Delete suffix "a".

After "Authority for maintenance of the system", add:

"*Purpose:* To compute pay entitlements and deductions for Federal, State, and local taxes: Social Security; Servicemen's Group Life Insurance; Combined Federal Campaign; barber, laundry and dry cleaning charges; advance pay; and funds deposited with USMA Treasurer to be held in trust to pay for required uniforms, books, and equipment."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entries; substitute therefor:

"Treasury Department: To record check and bond issue data and taxable earnings and taxes withheld.

"Social Security Administration: To record earned wages by member under the Federal Insurance Contributions Act.

"Cities and States: To provide taxable earnings information of cadets to those cities and states which have entered into an agreement with the Department of the Army.

"Veterans Administration: To record the collection of premiums for National Service Life Insurance.

"Financial institutions are furnished listings of their depositors and accounts to be credited to individual depositor accounts."

A0401.02bDAAG

System name:

Mailing List for Army Newspapers/ Periodicals

Changes:

System ID and name:

Delete suffix "b"; add to name: / "Catalogs"

Categories of records in the system:

In subparagraph a, after "Journals", insert: ", catalogs, admissions policies and procedures,".

After "Authority for maintenance of the system", add:

"*Purpose:* To produce mailing lists for distribution of Army periodicals, newspapers and various journals, catalogs, digests and newsletters; to perform statistical analyses and surveys of reader interest and opinion."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entries; substitute therefor: "See blanket routine uses at 48 FR 25503, June 6, 1983."

A0703.07aDAPE

System name:

Officer Availability and Civil School Management System

Changes:

System ID:

Delete "703.07a"; add: "714.03".

System name:

Delete title; substitute therefor: "Evaluation/Assignment of Academic Instructors".

System location:

Delete all information before "US Military Academy".

Categories of individuals covered by the system:

Delete entry; substitute therefor: "Officers who apply or serve as instructors on the Staff and Faculty, US Military Academy."

Categories of records in the system:

Delete entry; substitute therefor: "Individual's application consisting of name, grade, SSN, branch of service, educational and military qualifications, teaching experience, transcript of academic grades, results of GRE (Graduate Record Examination), and ATGSB (Admission Test for Graduate Study in Business); evaluation and assessment notes; correspondence between USMA and MILPERCEN; assignment order; application/ acceptance for advanced civil schooling, and related documents."

After "Authority for maintenance of the system"; add:

"*Purpose:* Used by USMA Dean of the Academic Board and department heads to assess qualifications and suitability of officers as academic instructors for assignment to the Staff and Faculty, US Military Academy."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete all information; substitute therefor: "See blanket routine uses at 48 FR 25503, June 6, 1983."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retention and disposal:

Delete entry; substitute therefor: "Records of individuals not selected for assignment or unavailable are destroyed when no longer required; records for those assigned to USMA are retained for 25 years; then destroyed."

System manager(s) and address:

Delete "Chief * * * Division"; add: "Superintendent".

Notification procedure:

Delete entry; substitute therefor: "Individuals who believe information on them exists in this system of records may inquire of the System Manager, ATTN: Dean of the Academic Board, West Point, NY 10996, providing their full name, SSN, sufficient details to locate records, current mailing address, and signature."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring to access records on themselves should write to the System Manager, furnishing information required by "Notification procedure" above.

Contesting record procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry; substitute therefor: "From the individual; official Army or other Service records; academic institutions; letters of endorsement from third parties; US Army Military Personnel Center."

A0709.01aDAPE

System name:

US Military Academy Candidate Files

Changes:

System location:

Delete all information except "US Military Academy, West Point, NY 10996."

Categories of records in the system:

Add: "entrance examination results".

After "Authority for maintenance of the system", add:

"*Purpose:* To evaluate a candidate's academic, leadership, and physical aptitude potential for the US Military Academy; to conduct management

studies of admissions criteria and procedures."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete all but the last paragraph.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retention and disposal:

Delete entry; substitute therefor: "For accepted candidates, records become part of the Cadet's Personnel Record described by system of recrods A0709.03DAPE—a permanent record. Records on candidates not accepted for admission are destroyed either on expiration of age eligibility or after 3 years, whichever is later."

System manager(s) and address:

Substitute "Superintendent" for "Director of Admissions and Registrar".

Notification procedure:

Delete entry; substitute therefor: "Individuals desiring to know whether or not information exists on them in this system of records may write to the System Manager, furnishing full name, present address, year of application, source of nomination, and signature."

Record access procedures:

Delete entry; substitute therefor: "To obtain access to information about themselves in this system of records, individuals should write to the System Manager, providing information required by "Notification procedure".

Contesting record procedures:

After "determination", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry; substitute therefore: "From the individual; Members of Congress; school transcripts; evaluations from former employer(s); medical reports/physical examination results; USMA faculty evaluations; American College Testing Service; Educational Testing Service."

A0709.03DAPE

System name:

US Military Academy Personnel Cadet Records

Changes:

Categories of records in the system:

Add: "Basic biographical and historical summary of Cadet's tenure at the US Military Academy is maintained on cards in the Archives Office or on microfiche in the Cadet Records Section."

After "Authority for maintenance of the system", add:

"Purpose: To record the Cadet's appointment to the Academy, his/her scholastic and athletic achievements, performance, motivation, discipline, final standing, and potential as a military career officer."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first sentence. Change the second sentence to read: "Academic transcripts may be provided to educational institutions."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retention and disposal:

Delete entry; substitute therefor: "Records of Cadets who are commissioned become part of the Official Military Personnel File. Records of individuals not commissioned are destroyed after 5 years."

A0723.09aDAAG

System name:

Recreational Services Program Files

Changes:

System ID:

Change number to "A0723.01DAAG".

System name:

Change title to read: "Morale, Welfare, Recreational, and Entertainment Records".

System location:

Delete entry; substitute therefor: "Segments of this system exist at Army installation and major command recreational or athletic offices; the Pentagon Officers Athletic Center, the US Army Recruiting Command sports clinics, and/or the US Military Academy. Addresses are in the appendix to the Army inventory of system notices at 48 FR 25773, June 6, 1983."

Categories of individuals covered by the system:

After the word "services", add: "and/or to participate in contests; professional entertainment groups recognized by the Armed Forces Professional Entertainment Office; Army athletic members; ticket holders of athletic events: units of national youth groups such as Boy Scouts, Girl Scouts, 4–H Clubs."

Categories of records in the system:

Delete all entries; substitute therefor: "Name and address of members/participants; service affiliation or status; registration of membership or participation in contests, tournaments, athletic associations/clubs, and dues payment records; for entertainment groups: Their professional name, specialty, circuit tour record and evaluation thereof, invitational travel orders/vouchers/supporting documents, and security check results; athletic equipment or other Government property check-out records; contest/competition scores and awards records."

Authority for maintenance of the system:

Change to read: "5 U.S.C. 301."

Add: *"Purpose:* To administer programs devoted to the mental and physical well-being of Army personnel; to document the approval and conduct of specific contests, shows, entertainment, sports activities/competitions, and other recreational events sponsored or sanctioned by the Army."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete all entries; substitute therefor: "Relevant information on an individual may be disclosed to national/international sports/athletics organizations to facilitate competitions."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Safeguards:

Add: "Paper records are stored in locked offices; computer tapes/discs are maintained in a secure vault. Buildings housing records employ security guards."

Retention and disposal:

Delete entry; substitute therefor: "Information is maintained for 2 years after individual's membership expires or event ends. Destruction is by shredding of paper records/erasure of computer data."

Notification procedure:

Delete entry; substitute therefor: "Individuals or groups desiring to know whether or not information on them exists in this system of records may inquire of The Adjutant General, HODA, ATTN: DAAG–MS, 2461 Eisenhower

Avenue, Alexandria, VA 22331, or the Recreation Service Officer of the Army installation or activity that approved membership or participation. Name, mailing address, and sufficient detail must be provided to enable locating records."

Record access procedures:

Delete all information; substitute therefor: "Written inquiry may be made as specified in "Notification procedure."

Record source categories:

After "individual", add "or group"; delete remainder.

A0727.01DAPC

System name:

Misconduct/Unfitness/Unsuitability Discharge Board Proceedings File

Changes:

System name:

Change to read: "Separations: Administrative Board Proceedings".

Categories of individuals covered by the system:

Delete entry; substitute therefor: "Military members on whom allegations of defective enlistment/agreement/ fraudulent entry/alcohol or other drug abuse rehabilitation failure/ unsatisfactory performance/ misconduct/homosexuality under provisions of Chapters 7, 9, 13, 14, or 15 of Army Regulation 635–200 result in Administrative Board Proceedings."

Categories of records in the system:

Delete entry; substitute therefor: "Notice to service member of allegations on which proposed separation from the Army is based; supporting documentation; DA Form 2627, Record of Proceedings under Article 15, UCMJ; DD Form 493, Extract of Military Records of Previous Convictions; medical evaluation; MOS evaluation and aptitude area scores; member's statements, testimony, witness statements, affidavits, rights waiver record; hearing transcript; board findings and recommendations for separation or retention; final action."

Authority for maintenance of the system:

Delete entry; substitute therefor: "10 U.S.C. 1169".

Add the following:

"*Purpose:* Information is used by processing activities and the approval authority to determine if the member meets the requirements for recommended separation action."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entries; substitute therefor: "See blanket routine uses at 48 FR 25503, June 6, 1983."

Policies and practices for storing, retrieving, accessing, and retaining and disposing of records in the system:

Retention and disposal:

Change entry to read: "The original of board proceedings becomes a permanent part of the member's Military Personnel Records Jacket. When separation is ordered, a copy is sent to member's commander where it is retained for 2 years before being destroyed. When separation is not ordered, board proceedings are filed at the headquarters of the separation authority for 2 years, then destroyed. A copy of board proceedings in cases where the final authority is the US Army Military Personnel Center, pursuant to Army Regulation 635–200, is retained by that headquarters (DAPC–EPA) for 1 year following decision."

Notification procedure:

Delete entry; substitute therefor: "Individuals desiring to know whether or not information on them exists in this system of records may inquire of the commander at the installation where administrative board convened, or to the System Manager, ATTN: DAPC–EPA. Individual should furnish his/her full name, details concerning the proposed or actual separation action to include location and date, and signature."

Record access procedure:

Delete both paragraphs; add the following: "If individual has been separated from the Army, inquiry should be made of the National Personnel Records Center, General Services Administration, 9700 Page Boulevard, St. Louis, MO 63132 in that proceedings will be part of the Military Personnel Records Jacket. If member is on active duty, inquiry should be made of the commander who convened the administrative board. Information in "Notification procedure" must be provided."

Contesting record procedures:

After "determinations", delete remainder and add the following: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry; substitute therefor: "From the individual; his/her commander; Army personnel, medical, and/or investigative records; witnesses; the Administrative Board; Federal, State, local, and/or foreign law enforcement agencies."

Systems A0305.11DAPE, A0401.02DAAG, A0714.03DAPE, A0709.01aDAPE, A0709.03DAPE, A0723.01DAAG, and A0727.01DAPC read as follows:

A0305.11DAPE

SYSTEM NAME:

USMA Cadet Pay and Accounts System

SYSTEM LOCATION:

US Military Academy, West Point, NY 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the US Corps of Cadets, US Military Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Monthly payroll listings of Corps of Cadet members showing entitlements and deductions; bank identification data for deposit of pay; individual account activity pertaining to funds held in trust by the USMA Treasurer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 205, 4340, and 4350; Title 6 General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

PURPOSE:

To compute pay entitlement and deductions for Federal, State, and local taxes; Social Security; Servicemen's Group Life Insurance; Combined Federal Campaign; barber, laundry and dry cleaning charges; advance pay; and funds deposited with USMA Treasurer to be held in trust to pay for required uniforms, books and equipment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Treasury Department: To record check and bond issued data and taxable earnings and taxes withheld.

Social Security Administration: To record earned wages by member under the Federal Insurance Contributions Act.

Cities and States: To provide taxable earnings information of Cadets to those cities and states which have entered into an agreement with the Department of the Army.

Veterans Administration: To record the collection of premiums for National Service Life Insurance.

Financial institutions are furnished listings of their depositors and accounts

to be credited to individual depositor accounts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and computer printouts; paper records in file folders.

RETRIEVABILITY:

By Cadet number.

SAFEGUARDS:

Records are maintained in buildings which are secured and patrolled and are accessible only to personnel who have need therefor in the performance of official duties. Automated master data and back-up files are further protected by assignment of passwords.

RETENTION AND DISPOSAL:

Original payrolls are submitted monthly to the US General Accounting Office Field Office at the Army Finance and Accounting Center, Indianapolis, IN. Duplicate payrolls are retained locally for 3 years and then destroyed by shredding. Information in automated media is retained for varying periods—generally 1–3 months, except that annual tax tapes are retained for 1 year before being erased.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, US Military Academy, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Requests from individual may be submitted to the US Military Academy, Finance and Accounting Officer, West Point, NY; telephone: 914/938–2607. Individual should provide full name, SSN, graduating class year, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals may request access by writing to the System Manager, furnishing information indicated in "Notification procedure". Personal visits may be made to the Finance and Accounting Officer, US Military Academy; individual must provide acceptable identification such as valid driver's license and information that can be verified with his/her payroll.

CONTESTING RECORD PROCEDURES:

The Army' rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, Department of the Army, Department of the Treasury, financial institutions and insurance companies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0401.02DAAG

SYSTEM NAME:

Mailing List for Army Newspapers/ Periodicals/Catalogs

SYSTEM LOCATION:

HQDA Staff and Field Operating Agencies, Major Commands, field installations and activities, Army Service Schools/Colleges, Army National Guard Bureau Headquarters and field activities. Official addresses are in the appendix to the Army inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Name and current mailing address of recipients of Army and/or National Guard magazines, newspapers, professional and trade publications, journals, catalogs, admissions policies and procedures, digests, and newsletters. Recipients may be current or former Army and/or National Guard personnel, staff and faculty or graduate/ resident/correspondence student of Service Schools, military reservists, ROTC cadets, civilian academicians, professional or other personnel who have requested inclusion on mailing list.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mailing lists containing names and addresses of recipents of various periodicals published by the Army and/ or the National Guard which have public relations value. Types of periodicals include but are not limited to the following:

a. Journals, catalogs, admissions policies and procedures, published by military schools and colleges, medical facilities, and training institutions.

b. Army newspapers or digests containing official or quasi-official but non-directive data of either a technical or administrative nature. Other personal data may be included such as Alumni Association Member number, professional society or trade organization of which a member and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012; 32 U.S.C., section 110.

PURPOSE:

To produce mailing lists for distribution of Army periodicals, newspapers and various journals, catalogs, digests and newsletters; to perform statistical analyses and surveys of reader interest and opinion.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See blanket routine uses at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, magnetic tape/disc, cards, printouts, and addressograph plates.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are accessed and maintained only by authorized personnel who have need therefor.

RETENTION AND DISPOSAL:

Retained until no longer needed, normally until individual requests deletion, after which record is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of Department of Army Staff and Field Operating Agencies, Major Commands, commanders of installations/activities, Army Service Schools/Colleges and National Guard activities that publish periodicals, command newspapers, catalogs or other special-interest recurring publications.

NOTIFICATION PROCEDURE:

Information may be obtained from either the editor of the publication, registrar of the school, or the Public Affairs Officer of the Army or National Guard office publishing the periodical.

RECORD ACCESS PROCEDURE:

Requests should be addressed as indicated in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are

contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; records of the Army or National Guard organization publishing the document.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0714.03DAPE

SYSTEM NAME:

Evaluation/Assignment of Academic Instructors.

SYSTEM LOCATION:

US Military Academy, West Point, NY 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers who apply or serve as instructors on the Staff and Faculty, US Military Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application consisting of name, grade, SSN, branch of service, educational and military qualifications, teaching experience, transcript of academic grades, results of GRE (Graduate Record Examination), and ATGSB (Admission Test for Graduate Study in Business); evaluation and assessment notes; correspondence between the US Military Academy and US Army Military Personnel Center; assignment order; application/acceptance for advanced civil schooling, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 4334.

PURPOSE:

Used by the US Military Academy Dean of the Academic Board and department heads to assess qualifications and suitability of officers as academic instructors for assignment to the Staff and Faculty, US Military Academy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See blanket routine uses at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets; computer discs in vault.

RETRIEVABILITY:

By individual's name; SSN.

SAFEGUARDS:

Information is available only to designated persons having official need therefor.

RETENTION AND DISPOSAL:

Records of individuals not selected for assignment or unavailable are destroyed when longer required; records for those assigned to US Military Academy are retained for 25 years: then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, US Military Academy, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Individuals who believe information on them exists in this system of records may inquire of the System Manager, ATTN: Dean of the Academic Board, West Point, NY 10996, providing their full name, SSN, sufficient details to locate records, current mailing address, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring to access records on themselves should write to the System Manager, furnishing information required by "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; official Army or other Service records; academic institutions; letters of endorsement from third parties; US Army Military Personnel Center; similar relevant documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0709.01aDAPE

SYSTEM NAME:

US Military Academy Candidate Files

SYSTEM LOCATION:

US Military Academy, West Point, NY 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential and actual candidates for entrance to the US Military Academy for the current and previous 2 years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Entrance examination results, Personal Data Record (DD Form 1867), Candidate Activities Report (DD Form 1868), Prospective Candidate Questionnaire (DD Form 1908), Interview Sheets, School Official's Evaluation (DD Form 1869), Employer's Evaluation of Candidate, Scholastic Aptitude Examination scores, American College Testing Program Scores, High School and College/University transcripts, physical aptitude examination, Candidate Summary Sheets, Nominating Letter, naturalization or adoption papers, birth certificate, Oath 5–50, special orders, all correspondence to/from/and about candidate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 4331, 4332, 4334.

PURPOSE:

To evaluate a candidate's academic, leadership, and physical aptitude potential for the US Military Academy; to conduct management studies of admissions criteria and procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to Members of Congress to assist them in nominating candidates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folder. Selected items of information reside on computer disc.

RETRIEVABILITY:

By candidate's surname; by source of nomination, current status, and special categories.

SAFEGUARDS:

All information is stored in locked rooms with restricted access to authorized personnel. Automated data are further protected by a user identification and password convention.

RETENTION AND DISPOSAL:

For accepted candidates, records become part of the Cadet's Personnel Record, described by system of records A0709.03DAPE—a permanent record. Records on candidates not accepted for admission are destroyed either on expiration of age eligibility or after 3 years, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, US Military Academy, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information exists on them in this system of records may write to the System Manager, furnishing full name, present address, year of application, source of nomination, and signature.

RECORD ACCESS PROCEDURES:

To obtain access of information about themselves in this system of records, individuals should write to the System Manager, providing information required by "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, Members of Congress, school transcripts, evaluations from former employer(s), medical reports/physical examination results, US Military Academy faculty evaluations, American College Testing Service, Educational Testing Service, and similar relevant documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system which fall within 5 U.S.C., section 552a(k)(5), (6), or (7) are exempt from subsection (d) of 5 U.S.C., section 552a.

A0709.03DAPE

SYSTEM NAME:

US Military Academy Personnel Cadet Records

SYSTEM LOCATION:

US Military Academy, West Point, NY 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Cadets of the US Military Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application and evaluations of Cadet for admission: letters of recommendation/endorsement; academic achievements, awards, honors, grades and transcripts; performance counseling; health, physical aptitude and abilities and athletic accomplishments, peer appraisals' supervisory assessments; suitability data, including honor code infractions and disposition. Basic biographical and historical summary of Cadet's tenure at the US Military Academy is maintained on cards in the Archives Office or on microfiche in the Cadet Records Section.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 3012 and 4334.

PURPOSE:

To record the Cadet's appointment or the Academy, his/her scholastic and athletic achievements, performance, motivation, discipline, final standing, and potential as a military career officer.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Academic transcripts may be provided to educational institutions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records in file folders: microfilm.

RETRIEVABILITY:

By surname or Social Security Number.

SAFEGUARDS:

Access to records is limited to persons having official need therefor; records are maintained in secure file cabinets in locked rooms.

RETENTION AND DISPOSAL:

Records of Cadets who are commissioned become part of his/her Official Military Personnel File. Records of individuals not commissioned are destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, US Military Academy, West Point, NY 10996.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this sytsem of records contains information about them should contact the System Manager.

RECORD ACCESS PROCEDURES:

Individuals may request access to their records by contacting the System Manager, furnishing their full name, SSN or Cadet number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, his/her sponsors, peer evaluations, grades and reports of US Military Academy academic and physical education department heads, transcripts from other educational institutions, medical examinations/assessments, supervisory counseling/performance reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system which fall within 5 U.S.C. 552a(k)(5) and (7) are exempt from subsection (d) of 5 U.S.C., section 552a.

A0723.01DAAG

SYSTEM NAME:

Morale, Welfare, Recreational and Entertainment Records.

SYSTEM LOCATION:

Segments of this system exist at Army installation and major command recreation or athletic offices, the Pentagon Officers Athletic Center, the US Army Recruiting Command sports clinics, and/or the US Military Academy. Addresses are in the appendix to the Army inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel, their families, other members of the military community, certain DOD civilian employees and their families overseas, certain military personnel of foreign nations and their families, personnel authorized to use Army-sponsored athletic and recreational services and/or to participate in contests, professional entertainment groups recognized by the Armed Forces Professional Entertainment Office, Army athletic members, ticket holders of athletic events, units of national youth groups such as Boy Scouts, Girl Scouts, 4–H Clubs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of members/participants; service affiliation or status; registration of membership or participation in contests, tournaments, athletic associations/clubs, and dues payment records; for entertainment groups: Their professional name, specialty, circuit tour record and evaluation thereof, invitational travel orders/vouchers/supporting documents, and security check results; athletic equipment or other Government property check-out records; contest/competition scores and awards records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE:

To administer programs devoted to the mental and physical well-being of Army personnel; to document the approval and conduct of specific contests, shows, entertainment, sports activities/competitions, and other recreational events sponsored or sanctioned by the Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Relevant information on an individual may be disclosed to national/international sports/athletics organizations to facilitate competitions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders: cards: magnetic tapes, discs, and computer printouts.

RETRIEVABILITY:

By name of member, applicant, group.

SAFEGUARDS:

Information is available only to authorized personnel having official need therefor. Paper records are stored in locked offices: computer tapes/discs are maintained in a secure vault. Buildings housing records employ security guards.

RETENTION AND DISPOSAL:

Information is maintained for 2 years after individual's membership expires or event ends. Destruction is by shredding of paper records/erasure of computer data.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals or groups desiring to know whether or not information on them exists in this system of records may inquire of The Adjutant General, HQDA, ATTN: DAAG–MS, 2461 Eisenhower Avenue, Alexandria, VA 22331, or the Recreation Service Officer of the Army installation or activity which approved membership or participation. Name, mailing address, and sufficient detail must be provided to enable locating records.

RECORD ACCESS PROCEDURES:

Written inquiry may be made as specified in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual or group.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0727.01DAPC

SYSTEM NAME:

Separations: Administrative Board Proceedings

SYSTEM LOCATION:

US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332. Segments exist at Major Army Commands and subordinate commands, field operating agencies, and activities exercising general courts-martial jurisdiction.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members on whom allegations of defective enlistment/agreement/fraudulent entry/alcohol or other drug abuse rehabilitation failure/unsatisfactory performance/misconduct/homosexuality under provisions of Chapter 7, 9, 13, 14, or 15, of Army Regulation 635–200 result in Administrative Board Proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notice to service member of allegations on which proposed separation from the Army is based; supporting documentation; DA Form 2627, Record of Proceedings under Article 15, UCMJ: DD Form 493, Extract of Military Records of Previous Convictions; medical evaluation: MOS evaluation and aptitude area scores; member's statements, testimony, witness statements, affidavits, rights waiver record; hearing transcript; board findings and recommendations for separation or retention; final action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 1169.

PURPOSE:

Information is used by processing activities and the approval authority to determine if the member meets the requirements for recommended separation action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See blanket routine uses at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessed only by designated persons having official need therefor, within buildings secured during non-duty hours.

RETENTION AND DISPOSAL:

The original of board proceedings becomes a permanent part of the member's Military Personnel Records Jacket. When separation is ordered, a copy is sent to member's commander where it is retained for 2 years before being destroyed. When separation is not ordered, board proceedings are filed at the headquarters of the separation authority for 2 years, then destroyed. A copy of board proceedings in cases where the final authority is the US Army Military Personnel Center, pursuant to Army Regulation 635–200, is retained by that headquarters (DAPC-EPA) for 1 year following decision.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system of records may inquire of the commander at the installation where administrative board convened, or to the System Manager, ATTN: DAPC–EPA. Individual should furnish his/her full name, details concerning the proposed or actual separation action to include location and date, and signature.

RECORD ACCESS PROCEDURE:

If individual has been separated from the Army, inquiry should be made of the National Personnel Records Center, General Services Administration, 9700 Page Boulevard, St. Louis, MO 63132 in that proceedings will be part of the Military Personnel Records Jacket. If member is on active duty, inquiry should be made of the commander who convened the administrative board. Information in "Notification procedure" must be provided.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are

contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual: his/her commander: Army personnel, medical, and/or investigative records: witnesses; the Administrative Board; Federal, State, local, and/or foreign law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84–15558 Filed 6–8–84; 8:45 am]
BILLING CODE 3710–08–M

Defense Intelligence Agency

Membership of the Defense Intelligence Agency (DIA) Performance Review Committee

AGENCY: Defense Intelligence Agency, DOD.

ACTION: Notice of Membership of the Defense Intelligence Agency Performance Review Committee.

SUMMARY: This notice announces the appointment of members of the Performance Review Committee (PRC) of the Defense Intelligence Agency. The PRC's jurisdiction includes the entire Defense Intelligence Senior Executive Service. The publication of PRC membership is required by 10 U.S.C. 1601(a)(4).

The PRC provides fair and impartial review of Defense Intelligence Senior Executive Service performance appraisals and makes recommendations regarding performance and performance awards to the Director, Defense Intelligence Agency.

EFFECTIVE DATE: July 31, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Carol S. Harbrecht, Acting Chief, Planning and Evaluation Group, Directorate for Human Resources, Defense Intelligence Agency, Washington, D.C. 20301, (202) 767–3639.

SUPPLEMENTARY INFORMATION: In accordance with 10 U.S.C. 1601(a)(4), the following are names and titles of those who have been appointed to serve as members of the Performance Review Committee. They will serve a one-year renewable term, effective July 31, 1984:

Brig. Gen. Donald W. Goodman, USAF, Chief of Staff (Chairman)
COMO James G. Reynolds, USN, Assistant Deputy Director for Collection
Mr. Geoffrey H. Langsam, Chief, Imagery Analysis Division
Mr. James R. Miller, Chief, Weapons and Systems Division
Mr. Lewis A. Prombain, Comptroller

Dated: June 6, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–15581 Filed 6–8–84; 8:45 am]
BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities; Cancellation of Meeting

This notice is given to advise of the cancellation of the meetings of the Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities (June 11–12, 1984) as published in the issue of May 24, 1984 (49 FR 21982).

Issued at Washington, D.C. on June 6, 1984.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 84–15537 Filed 6–8–84; 8:45 am]
BILLING CODE 6450–01–M

Office of the Secretary

Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities.

Date and Time: June 27, 1984—1:30 p.m.–5:00 p.m. and June 28, 1984—8:00 a.m.–4:00 p.m.

Place: Department of Energy, Room 4A104, 1000 Independence Avenue SW., Washington, D.C. 20585.

Contact: Howard F. Perry, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: (202) 252–2281.

Purpose of the Panel: To study and report to the Department of Energy on alternative approaches to managing the construction and operation of civilian radioactive waste facilities, pursuant to section 303 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425). The Panel's report will include a thorough and objective analysis of the advantages and disadvantages of each alternative approach, but will not address the specific siting of radioactive waste facilities.

Tentative Agenda:

June 27, 1984:

- DOE Waste Fund Management
- Discussion of Study Outline
- Preliminary Report Format
- Public Comment (10 minute rule)

June 28, 1984:

- Subcommittee Reports
- Work Plan/Timetable
- Revised Study Outline
- Future Meeting
- Public Comment (10 minute rule).

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Howard Perry at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between 8:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on June 6, 1984.

Howard H. Raiken,

Deputy Advisory Committee, Management Officer.

[FR Doc. 84–15536 Filed 6–8–84; 8:45 am]
BILLING CODE 6450–01–M

Economic Regulatory Administration

[Docket No.ERA–84–012; OFC Case No. 52552–9249–20–22]

Acceptance of Petition From Sacramento Municipal Utility District for Exemption and Availability of Certification

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Acceptance of Petition from Sacramento Municipal Utility District for Exemption and Availability of Certification.

SUMMARY: On May 16, 1984, the Sacramento Municipal Utility District (SMUD) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting a new proposed powerplant from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*) which (1) prohibit the use of petroleum and natural gas as a primary energy source in new electric powerplants and (2) prohibit the construction of a new powerplant without the capability to use

an alternate fuel as a primary energy source. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of FUA was published in the Federal Register at 46 FR 59872 (December 7, 1981).

SMUD requested a permanent peakload exemption under 10 CFR Part 503.41 for a simple-cycle combustion turbine generator with a heat input rate of 695.8 million Btu per hour. The proposed unit is to be installed at McClellan Air Force Base, near Sacramento, California. The powerplant will be capable of burning natural gas and petroleum.

ERA has determined that the petition and certification for the requested exemption is complete in accordance with the final rules under 10 CFR 501.3 and 501.63. ERA hereby accepts the filing of the petition for the permanent exemption as adequate for filing. ERA retains the right to request additional relevant information from SMUD at any time during these proceedings where circumstances or procedural requirements may so require. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below:

As provided for in section 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33 of the final rule, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification and other documents and supporting materials on this proceeding is available upon request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.–4:00 p.m.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the public comment period provided for in this notice, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension will be published in the Federal Register.

DATES: Written comments are due on or before July 26, 1984. A request for public hearing must also be made within this 45 day public comment period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to the Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, Room GA-007, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Docket No. ERA-FC-012 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

George G. Blackmore, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, S.W., Room GA-073L, Washington, D.C. 20585, Phone (202) 252-1774

Marya Rowan, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A-141, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Phone (202) 252-6739

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. SMUD has filed a petition for a permanent peakload powerplant exemption to use petroleum or natural gas as a primary energy source in its proposed McClellan Air Force Base simple-cycle combustion turbine generator.

Under the requirements of 10 CFR 503.41(a)(2)(ii), if a petitioner proposes to use natural gas or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, the Administrator of the Environmental Protection Agency or the director of the appropriate state air pollution control agency must certify to ERA that the use by the powerplant of any available alternate fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within the region, of a pollutant for which any national air quality standard is or would be exceeded. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplant, no such certification can be made. The certification requirement is therefore waived with respect to SMUD's petition.

SMUD submitted a certified statement by a duly authorized officer to the effect that the proposed oil and/or gas-fired combustion turbine generator will be operated solely as a peakload powerplant.

SMUD also certified that the maximum design capacity of the powerplant is 49 megawatts and that the maximum generation that will be allowed during any 12-month period for the combustion turbine is the design capacity times 1,500 hours or 73,500 megawatts.

On February 23, 1982, DOE published in the Federal Register (47 FR 7976) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption for peakload powerplants, is among the classes of actions that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. SMUD has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. DOE's Office of Environment, in consultation with the Office of the General Counsel, will review the completed environmental checklist submitted by SMUD pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on SMUD's exemption that the grant or denial of the exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

As provied in 10 CFR 501.3(b)(4), the acceptance of the petition by ERA does not constitute a determination that SMUD is entitled to the exemption requested. That determination will be made on the basis of the entire record of these proceedings, including any comments received in response to this document.

Issued in Washington, D.C., on June 5, 1984.

Robert L. Davies,

Director, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-15579 Filed 6-8-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP83-65-006]

Alabama-Tennessee Natural Gas Co.; Gas Tariff Compliance Filing

June 6, 1984.

Take notice that on May 25, 1984, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) submitted in compliance with the

requirements of Ordering Paragraph (F) of Opinion No. 196–A issued in the above-designated matter, and others, on April 3, 1984, revised tariff sheets to be effective, subject to refund, for the two-month period of April 3, 1983 to May 31, 1983, covered by Docket No. RP83–65–000. This filing superseded the prior filing of May 11, 1984, and has been slightly revised to satisfy technical requirements of the Regulations, Alabama-Tennessee states. The refunds required by such Ordering Paragraph (F) were made on April 18, 1984.

The revised tariff sheets which have heretofore been accepted for filing by the Commission are designated as follows:

Third Substitute Thirty-Eighth Revised Sheet No. 3–A
Fourth Substitute Fortieth Revised Sheet No. 3–A.

The Third Substitute Thirty-Eighth Revised Sheet No. 3–A was accepted, effective April 3, 1983, by the Commission's letter order of February 8, 1983, and the Fourth Substitute Fortieth Revised Sheet No. 3–A was accepted, effective May 1, 1983, by the Commission's letter order of August 26, 1983. The revised tariff sheets submitted May 25, 1984, do not change the rates to be made effective as proposed but simply restate the Base Tariff Rate.

Alabama-Tennessee states that copies of this filing have been served upon its jurisdictional customers and the State Commissions of Alabama, Mississippi, and Tennessee.

Any person desiring to be heard or to protest said filing 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 (18 CFR 385.211, 385.214). All such petitions 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 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. 84–15501 Filed 6–8–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA84–2–1–000]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

June 6, 1984.

Take notice that on May 31, 1984, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama 35631, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Forty-Fourth Revised Sheet No. 3–A

and

Eighth Revised Sheet No. 3–B

These tariff sheets are proposed to become effective July 1, 1984. Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the rates of its suppliers, Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco, Inc., and Sun Exploration and Production Company. Alabama-Tennessee states that the changes in its rates have been made in conformity with the PGA and related provisions of its tariff.

The tariff sheets submitted herewith provide for the following rates:

Rate schedule		Rates after current adjustment
G–1:		
Demand	D_1	$6.60
	D_2	04.94
Commodity		358.64
SG–1:		
Commodity		411.80
I–1:		
Commodity		385.28

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest such filing 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 (18 CFR 385.211, 385.214). All such petitions 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 the 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. 84–15502 Filed 6–8–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–297–001]

Arkansas Power & Light Co.; Settlement Agreement

June 6, 1984.

Take notice that on May 21, 1984, the Arkansas Power & Light Company (AP&L) filed a Settlement Agreement between AP&L and its Arkansas customers. Under the Agreement, AP&L's rates to these customers are being reduced from an annual increase of $1,552,648 to $1,232,000. Rates designed to produce an increase of $1,232,000 are contained in the Rate Schedule WA835. The Settlement Agreement also contains provisions concerning the calculations of interest due on earlier refunds made to certain customers in Docket No. ER81–577–000.

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 18, 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. 84–15503 Filed 6–8–84; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6929–001]

City of Gillette; Surrender of Preliminary Permit

June 6, 1984.

Take notice that the City of Gillette, Permittee for the proposed Cody Power Project, FERC No. 6929, has requested that its preliminary permit be terminated. The permit was issued on May 9, 1983, and would have expired on April 30, 1986. The project would have been located on the Shoshone River in Park County, Wyoming.

The Permittee filed its request on April 27, 1984, and the surrender of the preliminary permit for Project No. 6929

is deemed accepted 30 days after issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15504 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7008-001]

City of Hibbing, Minnesota; Surrender of Preliminary Permit

June 6, 1984.

Take notice that the City of Hibbing, Minnesota, Permittee for the Mississippi River Lock and Dam No. 5A, FERC Project No. 7008 has requested that its preliminary permit be terminated. The permit was issued on May 5, 1983, and would have expired on April 30, 1985. The project would have been located on the Mississippi River in Winona County, Minnesota.

The Permittee filed its request on April 26, 1984, and the surrender of the preliminary permit for Project No. 7008 is deemed accepted 30 days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15505 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7007-001]

City of Hibbing, Minnesota; Surrender of Preliminary Permit

June 6, 1984.

Take notice that the City of Hibbing, Minnesota, Permittee for the Mississippi River Lock and Dam No. 5, FERC Project No. 7007 has requested that its preliminary permit be terminated. The permit was issued on May 9, 1983, and would have expired on April 30, 1985. The project would have been located on the Mississippi River in Winona County, Minnesota.

The Permittee filed its request on April 25, 1984, and the surrender of the preliminary permit for Project No. 7007 is deemed accepted 30 days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15506 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-22-000]

Consolidated Gas Transmission Corp.; Tariff Filing

June 6, 1984.

Take notice that on May 31, 1984, Consolidated Gas Transmission Corporation (Consolidated) filed Fortieth Revised Sheet No. 16 to the Third Revised Volume No. 1 of its Tariff. The proposed effective date is June 1, 1984.

The purpose of the filing is to reduce rates in accordance with Article IV of a Stipulation and Agreement in Consolidated's Docket Nos. RP82-64, *et al.* The filing is made in anticipation of the Commission's approval of the Stipulation and Agreement. The filing incorporates a 4.63 cent reduction in Consolidated's commodity rates.

Consolidated request a waiver of any of the Commission's Rules and Regulations as may be deemed necessary to permit the revised tariff sheet to become effective as proposed.

Consolidated states that copies of the filing were served on all of its customers and interested state commissions.

Any person desiring to be heard or to protest said filing 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 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All petitions 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 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. 84-15507 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-459-000]

Dayton Power & Light Co.; Filing

June 5, 1984.

The filing Company submits the following:

Take notice that on May 23, 1984, Dayton Power and Light Company (DP&L) tendered for filing an executed Purchase and Resale Agreement (Agreement) between DP&L and the Village of Yellow Springs (Yellow Springs), Ohio.

The proposed Agreement allows Yellow Springs to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to DP&L for delivery to Yellow Springs.

DP&L requests an effective date of June 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 and 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 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. 84-15495 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-12-000]

Distrigas Corp., et al.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

June 6, 1984.

Take notice that Distrigas Corporation (Distrigas) on May 30, 1984, tendered for filing Fifteenth Revised Sheet No. 1 to its FERC Gas Tariff and Distrigas of Massachusetts Corporation (DOMAC) on the above date tendered for filing Fifteenth Revised Sheet No. 3A.

Fourteenth Revised Sheet No. 1 and Fourteenth Revised Sheet No. 3A are being filed pursuant to Distrigas' and DOMAC's purchased LNG cost adjustment provision set forth in their respective tariffs. The Distrigas rate change is being filed to reflect in its sales rate to DOMAC a redetermination (increase) of the price paid for the purchase of LNG from its supplier SONATRACH in acordance with the Distrigas-SONATRACH Agreement for Sale and Purchase of Liquefied Natural Gas, together with an amortization over the six-month period, July 1, 1984 through December 31, 1984, of the balance of the unrecovered purchased LNG cost account.

The DOMAC rate change is being filed to reflect the Distrigas rate change in DOMAC's rates for resale to its distribution customer companies and the amortization over the six-month period, July 1, 1984 through December 31, 1984.

of the balance in DOMAC's unrecovered purchased LNG cost account and the GRL Surcharge.

Distrigas and DOMAC request that the proposed tariff sheets become effective July 1, 1984, to coincide with the change in LNG costs from SONATRACH.

A copy of this filing is being served on all affected parties and interested State commissions.

Any person desiring to be heard or to protest said filing 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 (18 CFR 385.211, 385.214). All such petitions 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 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. 84-15508 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-2-000]

East Tennessee Natural Gas Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

June 6, 1984.

Take notice that on May 31, 1984, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Ninth Revised Sheet No. 4, Seventh Revised Sheet Nos. 5 and 6 to Original Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1984.

East Tennessee states that the purpose of these tariff sheets is to reflect various rate adjustments pursuant to the General Terms and Conditions of its tariff as follows:

(1) PGA Rate Adjustments pursuant to §§ 22.2 and 22.3;

(2) Estimated Incremental Pricing Surcharges pursuant to § 26.2.

East Tennessee States that copies of this filing have been mailed to all affected customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, and 385.214). All such petitions 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 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. 84-15484 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6871-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

June 6, 1984.

Take notice that Energenics Systems, Inc. (ESI), Permittee for the proposed Monongahela Lock and Dam No. 7 Project No. 6871 located on the Monongahela River in Allegheny County, Pennsylvania, has requested that its preliminary permit be terminated. The preliminary permit was issued March 21, 1983, and would have expired on March 31, 1985.

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 request for surrender of the preliminary permit for Project No. 6871 is accepted as of April 16, 1984, and is effective 30 days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15485 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-83-001]

Florida Gas Transmission Co.; Tariff Filing

June 6, 1984.

Public notice is hereby given that on May 25, 1984, Florida Gas Transmission Company (FGT) filed in the instant docket First Revised Volume No. 1 to its tariff.

FGT states that said sheets are filed pursuant to the Commission's September 23, 1983 order in the above-referenced docket, which, *inter alia*, approved a stipulation and agreement which eliminated restrictions on growth in priorities 1–4 of FGT's currently effective curtailment plan; imposed new restrictions in priorities 5–9; and established a "triggering mechanism" to halt growth in certain situations. In revising its tariff in light of the Commission's September 23, 1983 order, FGT concluded that it would be administratively easier and less cumbersome to file a "First Revised Volume No. 1" to its tariff, which will supersede in its entirety Original Volume No. 1, as is currently on file with the Commission.

Copies of the filing were served on FGT's jurisdictional customers and the Florida Public Service Commission, and all parties in the instant docket.

Any person desiring to be heard or to protest said filing 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 (18 CFR 385.211, 385.214). All such petitions 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 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. 84-15486 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-458-000]

Florida Power & Light Co.; Filing

June 5, 1984.

The filing Company submits the following:

Take notice that on May 23, 1984, Florida Power & Light Company (FP&L) tendered for filing a document entitled "Amendment Number One to Contract for Interchange Service Between FPL and City of Vero Beach, Florida."

FPL states that under the Amendment FPL and City of Vero Beach, Florida utilize the provisions of the existing Contract for Interchange Service between FPL and City of Vero Beach, Florida for the parties to establish additional service schedules. FPL states that Service Schedule X provides the parties with the necessary vehicle to better maximize the overall economy of power production in the State of Florida.

FPL requests that the proposed Amendment be made effective no later than 60 days from the date of filing.

According to FPL, a copy of this filing was served upon the City of Vero Beach, Florida.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a 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 18, 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. 84-15496 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-13-000]

Gas Gathering Corp.; Purchased Gas Cost Adjusted Filing

June 6, 1984.

Take notice that on May 31, 1984, Gas Gathering Corporation (GGC) tendered for filing proposed changes in its FERC Gas Tariff providing for increased charges to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer, under GGC's Purchased Gas Cost Adjustment Provision (PGA clause), Section 4 of the Natural Gas Act, and Part 154 of the Commission's Regulations thereunder. The proposed changes would increase the rate charged to Transco by 43.80692 cents per MMBtu from those rates presently in effect. The proposed effective date is July 1, 1984. GGC states that the filing reflects a decrease in costs of purchased gas and an increase in GGC's deferred cost surcharge adjustment.

A copy of the filing has been served upon Transco.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a 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 petitions 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. 84-15487 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7121-001]

Mr. Lawrence Leland Johnson; Surrender of Preliminary Permit

June 6, 1984.

Take notice that Mr. Lawrence Leland Johnson, Permittee for the proposed Goodyear Bar, Rock Creek Project, has requested that his preliminary permit be terminated. The preliminary permit was issued on January 25, 1984, and would have expired on June 30, 1985. The project would have been located on Rock Creek within the Tahoe National Forest in Sierra County, California.

The Permittee filed his request on April 23, 1984, and the surrender of the preliminary permit for Project No. 7121 is deemed accepted as of April 23, 1984, and effective 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15488 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-86-000]

Locust Ridge Gas Co.; Proposed Changes in FERC Gas Tariff

June 6, 1984.

Take notice that on June 1, 1984 Locust Ridge Gas Company (Locust Ridge) tendered for filing changes in the company's following FERC Gas Tariffs:

Original Volume No. 1
Original Volume No. 3

The proposed changes would lower Locust Ridge's cost of service, exclusive of purchased gas costs, from a current rate of $0.3162 per MMBtu to a proposed rate of $0.3130 per MMBtu.

Locust Ridge states that the principal reasons for this rate change are the projection of slightly higher gas volumes for transportation service rendered to Southern Natural Gas Company; and Locust Ridge's position that it is entitled to additional rate base of $1,130,000 because of an acquisition adjustment made to the books of the company's predecessor, Horner and Smith.

Any person desiring to be heard or to protest said filing 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 (18 CFR 385.211, 385.214). All such petitions 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 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. 84-15489 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-5-001]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff rate Adjustment Provisions

June 6, 1984.

Take notice that on May 31, 1984, Midwestern Gas Transmission Company (Midwestern) tendered for filing the following tariff sheets to its FERC Gas Tariff, to be effective July 1, 1984:

Original Volume No. 1

Tenth Revised Sheet No. 5
Tenth Revised Sheet No. 6
Seventh Revised Sheet Nos. 7 and 8

Midwestern states that the purpose of the revised tariff sheets is to reflect adjustments to its rates pursuant to rate adjustment provisions of the General Terms and Conditions of its tariff as follows:

(1) PGA Rate Adjustments for the Southern System pursuant to Sections 2 and 3 of Article XVII;

(2) A PGA Adjustment for the Northern System pursuant to Section 3 of Article XVIII;

(3) Estimated Incremental Pricing Surcharges for the Southern System pursuant to Section 2 Article XXII; and

(4) Estimated Incremental Pricing Surcharges for the Northern System pursuant to Section 2 of Article XXIII.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing 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 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 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. 84-15490 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-87-004, RP82-13-000, RP83-63-000, RP83-105-000, Corporation TA84-1-16-004, GP84-17-001, and RP84-60-000]

National Fuel Gas Supply; Compliance Filing

June 6, 1984.

Take notice that on May 31, 1984, National Fuel Gas Supply Corporation ("National") tendered for filing as part of its FERC Gas Tariff, the following Revised Tariff Sheets:

FERC Gas Tariff Original Volume No. 1

Second Substitute Forty-Second Revised Sheet No. 4, to be effective May 1, 1983.
Fifth Substitute Forty-Third Revised Sheet No. 4, to be effective August 1, 1983.
Second Substitute Forty-Fifth Revised Sheet No. 4, to be effective February 1, 1984.

FERC Gas Tariff First Revised Volume No. 2

Substitute Third Revised Sheet No. 282 to be effective May 1, 1983.
Substitute Third Revised Sheet No. 302 to be effective May 1, 1983.
Substitute Third Revised Sheet No. 322 to be effective May 1, 1983.
Substitute Third Revised Sheet No. 342 to be effective May 1, 1983.

FERC Gas Tariff First Revised Volume No. 1

Substitute Original Sheet No. 4, to be effective April 1, 1984.

National states that the purpose of these revised tariff sheets is to implement the Settlement Agreement in Docket Nos. RP82-13-000, RP82-87-000, RP83-63-000, and RP83-105-000; and to comply with the Commission's Order issued April 20, 1984 in Docket Nos. TA84-1-16-001 (PGA84-1) and GP84-17-001.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing 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 Rule 214 of the Commission's Procedural Rules (18 CFR 385.214). All such petitions 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 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. 84-15491 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-322-000]

Noah Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 6, 1984.

On May 14, 1984, Noah Corp. (Applicant), of P.O. Drawer 640, Aiken, South Carolina 29801, 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 7.5 megawatt hydroelectric facility (P. 3494) will be located near the confluence of the Allegheny, Monongahela, and Ohio Rivers in Allegheny County, Pennsylvania.

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. 84-15492 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-329-000]

Red Top Cogeneration Project, L.P.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 5, 1984.

On May 17, 1984, Red Top Cogeneration Project, L.P. (Applicant) of 950 South Cherry Street, Suite 1000, Denver, Colorado 80222, 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 Chowchilla, Madera County, California. The facility will consist of a combustion turbine generator unit, which will have its exhaust heat being exhausted directly into an agricultural dryer. The useful thermal energy output will be used to dry agricultural residue for animal feed. The primary energy source for the facility will be natural gas. The electric power production capacity of the facility will be 3,615 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. 84-15497 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-324-000]

Roche Products Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 5, 1984.

On May 15, 1984, Roche Products Inc., (Applicant) of P.O. Box 452, Manati, Puerto Rico 00701, 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 at the intersection of State Road No. 670 and Road 686, Manati, Puerto Rico. The facility will have two units, with each unit consisting of a combustion turbine generator set and a waste heat recovery boiler. The useful thermal energy output, which will be in the form of steam, will be used in the manufacturing process of pharmaceuticals and in absorption chillers for production of chilled water for refrigeration processes. The primary energy source for the facility will be fuel oil No. 2. Each unit will have an electric power production capacity of 3293.5 kilowatts. The total electric power production capacity of the facility will be 6587 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protect with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in acccordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests most 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 determing 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. 84-15498 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-460-000]

San Diego Gas & Electric Co.; Filing

June 5, 1984.

The filing Company submits the following:

Take notice that on May 23, 1984, San Diego Gas & Electric Company (San Diego) tendered for filing the Palo Verde-North Gila Line/ANPP High Voltage Switchyard Interconnection Agreement (Agreement).

San Diego states that this Agreement provides the terms and conditions for the interconnection of a 500 kV transmission line, the Palo Verde-North Gila Line (Line), with the Arizona Nuclear Power Project High-Voltage Switchyard (Switchyard). In addition to San Diego, the other participants in the Line are Arizona Public Service Company (APS) and Imperial Irrigation District (IID) (collectively referred to as Line Participants). The owners/participants in the Switchyard are APS, Southern California Edison Company, El Paso Electric Company, Public Service Company of New Mexico, Salt River Project Agricultural Improvement and Power District (SRP), Southern California Public Power Authority (SCPPA) (collectively referred to as Switchyard Participants). APS is the only Participant in both the Switchyard and in the Line. IID, SRP and SCPPA are not public utilities subject to the jurisdiction of the Commission.

San Diego further states that each party to the Agreement subject to the Commission's jurisdiction has filed a certificate of concurrence to the foregoing filing, and has sent copies of such certificates to its respective state commission and to its affected wholesale customers, if any.

San Diego requests an effective date of June 1, 1984, and therefore requests waiver of the Commission's notice requirements.

According to San Diego a copy of this filing has been sent to the California Public Utilities 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 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 18, 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. 84-15499 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-8-000]

South Georgia Natural Gas Co.; Proposed Changes in FERC Gas Tariff

June 6, 1984.

Take notice that on May 31, 1984, South Georgia Natural Gas Company (South Georgia) tendered for filing, Twenty-Ninth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information is being filed with a proposed effective date of July 1, 1984, pursuant to the Purchased Gas Cost Adjustments provisions set out in Section 14 of South Georgia's tariff.

South Georgia states that its Twenty-Ninth Revised Sheet No. 4 reflects a net PGA decrease of 5.79¢ per MMBtu in current rates to South Georgia's jurisdictional customers. This net decrease consists of a decrease of 6.37¢ per MMBtu in the Current Adjustment and an increase of .58¢ per MMBtu in the Surcharge Adjustment presently in effect. The proposed Surcharge Adjustment is 5.33¢ per MMBtu.

Any person desiring to be heard or to protest said filing 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 (Sections 385.214, 385.211). All such petitions 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 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. 84-15493 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-35-000]

State of Oklahoma, Oklahoma Corporation Commission, NGPA Section 103 Determination, Southwestern Exploration Consultants, Inc., Audrey No. 2 Well, FERC JD No. 8430765; Preliminary Finding

June 5, 1984.

Background

On August 17, 1981, the Oklahoma Corporation Commission (Oklahoma) filed with the Federal Energy Regulatory Commission (Commission) notice of its determination that Southwestern Exploration Consultants, Inc.'s Audrey No. 2 Well did not qualify as a new, onshore production well [1] under section 103 of the Natural Gas Policy Act of 1978 (NGPA).[2] That notice stated that the Audrey No. 2 Well is a reentry of a well originally drilled on November 30, 1955, and therefore fails to meet NGPA section 103 requirements for a new onshore production well. Southwestern Exploration Consultants, Inc. (Southwestern) requested Oklahoma to reconsider and vacate its negative determination in light of the Commission's policy to compare the facts of each reentered well to the facts present in *L&B Oil Co., Inc.* v. *FERC* (L&B) [3] to determine if the reentry effectively results in the drilling of a new well. On April 12, 1984, Oklahoma vacated its negative determination and made an affirmative section 103 determination for the Audrey No. 2 Well. On April 26, 1984, Oklahoma filed that determination with the Commission, along with notice that it has withdrawn its original negative determination for the Audrey No. 2 Well.

Since Oklahoma has reversed its own negative determination and determined that gas produced from the Audrey No. 2 Well qualifies under NGPA section 103, the Commission will treat Oklahoma's filing as a notice of determination and not a request to reopen and withdraw its negative determination.

The relevant facts relied on by Oklahoma to determine that surface drilling of the Audrey No. 2 Well began on or after February 19, 1977 are as follows. The Audrey No. 2 Well was originally drilled by L. H. Armer as the Wareing "B" No. 1 Well on November 30, 1955, and was plugged on August 26, 1956 as a dry hole. In April 1978, Southwestern reentered and deepened the well by 1,150 feet from its original depth of 4,830 feet to 5,980 feet. Additionally, production casing was set in the wellbore since no casing had been set before. Southwestern cemented and fractured the well and installed production equipment. Gas was produced from a perforation location of 5610 to 5828 feet, which is deeper than the original depth of the well. The costs for the reentry operation and completion exceeded $138,000.00.

Oklahoma recognized the fact that the Audrey No. 2 Well is a reentry well, but, based on the facts set out above, determined that the well met the relevant factors set out in the *L&B* case to qualify the well as a new, onshore production well.

Discussion

Section 103(c)(1) of the NGPA defines a new, onshore production well as, *inter alia*, a well "the surface drilling of which began on or after February 19, 1977."

In the *L&B* case, the original operator drilled an exploratory well in 1971, and plugged and abandoned it as a dry hole two weeks later. In 1979, L&B drilled out the 30-foot cement plug, followed the existing wellbore 479 feet, and then deviated from the hole, drilling down to 7,606 feet. The Commission found that surface drilling could not have occurred on or after February 19, 1977 for a reentered will which was originally spudded in 1971. The Fifth Circuit found the Commission rule, limiting surface drilling to a single event in any wellbore, was too strict. The court stated that, in *certain circumstances*, surface drilling of a well should not be limited to the spudding in of that well. Accordingly, the court found such a limitation in the *L&B* case was inappropriate.

The court found that the following factors were relevant to its finding that the jurisdictional agency's determination was supported by substantial evidence: (1) Surface drilling commenced when L&B drilled out the thirty-foot cement plug which the original entering operator left in the dry hole; (2) L&B did not merely reactivate or deepen a previously spudded well; (3) L&B only used a few hundred feet of the original wellbore before deviating to a total depth of over 7,000 feet; (4) L&B incurred almost the entirety of normal exploration costs and all of the production efforts; and (5) L&B discovered and produced gas where none was before.

The Commission has clarified its position on reentered wells on a case-by-case basis.[4] The Commission requires that substantial additional drilling must be performed on a well upon its reentry to "commence surface drilling" as required by section 103.[5]

The Commission, in Docket No. GP82-48-000, refused to reverse its negative section 103 determination for a well in which the reentry operation deepened the original wellbore by 44 percent (5190 feet to 7639 feet) since it found that that was not substantial additional drilling. As submitted by Oklahoma, the original wellbore of the Audrey No. 2 Well was deepened only by 24%. Thus, we find that the Adurey No. 2 Well was not subject to substantial additional drilling so as to treat the date of reentry as the date of commencement of surface drilling.

Accordingly, the Commission preliminarily finds that, based on existing precedent, there is not substantial evidence in the record to support Oklahoma's determination that the Audrey No. 2 Well qualifies under NGPA section 103.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15500 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[1] Oklahoma Order No. 196206.

[2] 15 U.S.C. 3301-3432 (1982).

[3] 665 F.2d 758 (5th Cir. 1982).

[4] *See* Robert A. Mason, *et al.*, Docket No. GP83-38-000, 25 FERC ¶61,350 (1983). *See also* TXO Production Corp., Docket No. GP83-9-000, 23 FERC ¶61,299 (1983); Sun Exploration and Production Co., Docket NO. GP83-10-000, 23 FERC ¶61,300 (1983); Patrick Petroleum Corp., Docket No. GP82-9-000, 25 FERC ¶61,198 (1983); Warren Petroleum Co., Docket No. GP82-48-000, 25 FERC ¶61,199 (1983); Continental Energy Corp., Docket No. GP83-12-000, 25 FERC ¶61,200 (1983); Energy Gas and Oil Corp., Docket No. GP83-33-000, 25 FERC ¶61,201 (1983).

[5] *Id.*

[Docket No. TA84-2-11-000]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets

June 6, 1984.

Take notice that on May 31, 1984, United Gas Pipe Line Company (United) tendered for filing Sixty-Sixth Revised Sheet No. 4, Ninth Revised Sheet Nos. 4-A and 4-B, and Ninth Revised Sheet No. 4C to its FERC Gas Tariff, First Revised Vomune No. 1. Tariff Sheets 4, 4-A and 4-B and supporting information are being filed pursuant to Sections 19, 21, 23 and 24 of United's Tariff. Tariff Sheet Nos. 4-C is submitted pursuant to the letter order issued by the Office of Pipeline and Producer Regulations dated January 27, 1982 in Docket No. CP81-387-00. The proposed effective date of each Tariff Sheet is July 1, 1984. In addition, United has filed Exhibits

showing the computation of the rate impact of the reduction in rate base resulting from the settlement approved October 4, 1983 in *Offshore Construction Costs of Natural Gas Pipelines*, Docket No. RP79–28. United reports that the rate base reduction did not change United's rates.

United reports that it mailed copies of the proposed tariff sheets and supporting data to its jurisdictional customers and interested 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 petitions 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. 84–15494 Filed 6–8–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–430–000]

Colorado Interstate Gas Co.; Request Under Blanket Authorization

June 7, 1984.

Take notice that on May 21, 1984, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP84–430–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that CIG proposes to construct two sales taps to serve Public Service Company of Colorado (PSCo), an existing customer, under the authorization issued in Docket No. CP83–21–000 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.

CIG states that the proposed sales taps would be located in Arapahoe and Adams Counties, Colorado. CIG estimates total initial deliveries of natural gas of up 380 Mcf daily and 31,000 Mcf annually, which would be within the volumes CIG is presently authorized to sell and deliver to PSCo.

Any person on 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. 84–15589 Filed 6–8–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP84–85–000]

Gas Research Institute; Annual Application

June 5, 1984.

Take notice that on June 1, 1984, Gas Research Institute (GRI) filed herein an application requesting advance approval of its 1985–1989 Five-Year R&D Plan and 1985 R&D Program and the funding of its R&D activities for 1985 pursuant to the Natural Gas Act and the Commission's Regulations thereunder, particularly 18 CFR 154.38(d)(5).

GRI states that its application demonstrates compliance with the Commission's Regulations, the requirements of Opinion No. 195, Opinion and Order Amending and Approving Gas Research Institute's 1984 Research Development Program, Docket No. RP83–95–000 issued October 28, 1983, and the ongoing provisions of a Stipulation and Agreement reached by the parties to the proceedings in Docket No. RM77–14 and approved by the Commission in Opinion No. 11, Opinion and Order Approving the Initial Research Development and Demonstration Program of Gas Research Institute, Docket No. RM77–14, issued March 28, 1978. GRI's application seeks approval of its 1985 R&D Program and approval for the collection of $131,870,000 through jurisdictional and non-jurisdictional rates and charges during the twelve (12) months ending December 31, 1985 to support GRI's R&D activites in 1985. Applicant states that its application was filed in accordance with the provision of Order No. 566 which requires "RD&D organizations" to submit, annually, a five-year program plan at least 180 days prior to the commencement of the five-year period of the plan, which is scheduled to commence on January 1, 1985.

GRI states that the proposed unit cost of GRI's 1985 R&D Program is 1.25 cents per Mcf or equivalent to become effective January 1, 1985. This General R&D Funding Unit is proposed to be applied to the services included in GRI's Program Funding Services in 1985 which include jurisdictional, direct sale and intrastate volumes of GRI's members and which are estimated to total 10,549.6 Bcf. Of this total 9,930 Bcf are estimated funding services by GRI's interstate pipeline company members and 619.6 Bcf are attributed to intrastate volumes.

GRI's filing was accompanied by workpapers providing detail about its application. These workpapers are available for inspection in the Commission's Division of Public Information.

An appendix to the application contains a list of GRI members and state regulatory commissions which were served with a copy of GRI's application on June 1, 1984. Such members and commissions are hereby permitted to participate in this proceeding as intervenors and need not file formal petitions to intervene or notices of intervention.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a comment, protest, or petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All comments or 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 proceedings. Any person wishing to become a party to a proceedings or to participate as a party in any hearing therein, other than those listed in the appendix who are automatically entitled to participate, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that a Commission staff report on GRI's filing will be served on all parties and filed with the Commission as a public document on July 31, 1984. Comments on the staff report by all parties except GRI should be filed with the Commission on or before August 15, 1984. GRI's reply comments should be filed on or before August 29, 1984. It should also be noted

that the Commission's Regulations (18 CFR 381.206) provide that the fee for a petition seeking advance Commission approval of rate treatment of RD&D expenditures will be determined and billed according to the procedures for direct billing set forth under 18 CFR 318.107.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15590 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-403-000]

Natural Gas Pipeline Company of America; Application

June 4, 1983.

Take notice that on May 10, 1984, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, P.O. Box 1208, Lombard, Illinois 60148, filed in Docket No. CP84-403-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon gas transportation service for NICOR Supply, Inc. (Supply), from the Green No. 1 Well, Beckham County, Oklahoma, to Northern Illinois Gas Company's (Northern Illinois) service territory, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that production from said well has progressively and substantially decreased; thus, volumes of gas being transported have been minimal during recent periods. Accordingly, both Applicant and Supply, having determined that this transportation service should be terminated, executed a Letter Agreement dated April 2, 1984, terminating the service, it is asserted. Applicant also states that termination of this service would not have an adverse affect on Supply's customers as Applicant intends to purchase the share of production formerly purchased by Northern Illinois Supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15591 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-351-003]

Northern Border Pipeline Co.; Amendment

June 7, 1984.

Take notice that on my 29, 1984, Northern Border Pipeline Company (Northern Border), 224 South 108th Avenue, Omaha, Nebraska 68154, filed in Docket No. CP-83-351-003 pursuant to section 7(c) of the Natural Gas Act and amendment to its pending application filed in Docket No. CP83-351-000 so as to reflect delivery of up to 30,000 Mcf of natural gas per day at a point near Hebron, North Dakota without any source restrictions placed on the natural gas volumes delivered and to withdraw its request for pregranted abandonment, all as more fully set forth in the amendment, which is on file with the Commission and open to public inspection.

On May 26, 1983, Northern Border filed an application in Docket No. CP83-351-000 requesting authority to operate an existing six-inch tee and side valve at a point near Hebron, North Dakota to deliver up to 20,000 Mcf of natural gas per day on behalf of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) for the account of Great Plains Gasification Associates (Great Plains). Northern Border states that is was advised that these volumes would be purchased by Great Plains from Michigan Consolidated Gas Company (Mich Con) and used by Great Plains in the start-up operations of its coal gasification plant located near Beulah, Northe Dakota. Northern Border also requested pregranted abandonment due to the two-year term of the proposed sale.

It is asserted that, subsequently, on April 15, 1984, without prior notification to Northern Border, the sale between Mich Con and Great Plains was terminated. Northern Border states that Great Plains is now taking volumes through Northern Natural's Agency Program. Consequently, Northern Border proposes to amend its application to eliminate any supply source restriction and to increase the maximum daily volumes to be delivered at Hebron to 30,000 Mcf of natural gas per day. Northern Border also proposes to delete its request for pregranted abandonment since the Coal Gasification plant may require volumes after start-up operations are completed to maintain operations.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 28, 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 Rule. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15592 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-264-002; Docket No. CP81-251-002]

Northern Natural Gas Co. et al.; Petitions to Amend

June 6, 1984.

Take notice that on February 3, 1984, Northern Natural Gas Company,

Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, Florida Gas Transmission Company (FGT), 1560 North Orange Avenue, Winter Park, Florida 32790, and Southern Natural Gas Company (Southern), First National-Southern Natural Building, Birmingham, Alabama 35203, jointly filed in Docket No. CP79–264–002 a petition to amend the order issued July 21, 1980, in Docket No. CP79–264–000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the deletion of the minimum capacity provision included in the Matagorda Offshore Pipeline System's (MOPS) construction and operation agreement and to authorize an increase in the operating pressure of MOPS, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued July 21, 1980, Northern, FGT, and Southern were authorized to construct and operate MOPS, a 24-inch interstate pipeline which presently extends from the Matagorda Island Area, offshore Texas, to an existing onshore interconnection with FGT's Texas mainline system near Tivoli, Refugio County, Texas. Petitioners state that the MOPS 1980 construction and operation agreement provided that the individual capacity entitlements in MOPS would be based on each owner's contribution to the system; provided, however, that as a minimum, Southern and FGT, together, would always be entitled to a capacity of (i) 32 percent of the effective capacity of MOPS or (ii) 125,000 Mcf of natural gas per day (Mcfd), whichever was greater. It is further stated that the MOPS construction and operation agreement also contained a proposed maximum operating pressure for MOPS of 1,237 psig.

The owners of MOPS now wish to delete the minimum capacity provision in the MOPS construction and operation agreement so that each owner of MOPS would only be entitled to utilize on a permanent basis a percentage of the base effective capacity of MOPS equivalent to its current ownership interest in MOPS.

Northern, FGT, and Southern also wish to increase the operating pressure of MOPS from 1,237 psig to 1,350 psig. It is also stated that in no instance would the proposed increase in maximum operating pressure result in the operation of any portion of the existing MOPS in excess of the maximum allowable operating pressures shown in Exhibit G–II of the application in Docket No. CP79–264–000.

In addition, take notice that on February 3, 1984, Southern filed in Docket No. CP81–251–002 a petition to amend the order issued October 28, 1981, in Docket No. CP81–251–000 pursuant to section 7(c) of the Natural Gas Act so as to authorize an increase in the operating pressure of an offshore lateral which connects to MOPS, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued October 28, 1981, Southern was authorized to construct and operate facilities to connect offshore Texas gas reserves located in Matagorda Island Blocks 632, 656, and 657, to MOPS. Southern now requests authorization to increase the maximum operating pressure of said lateral from 1,200 psig to 1,350 psig. Southern states that the increased operating pressure is still within the maximum allowable operating pressure for the facilities.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before June 27, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–15593 Filed 6–8–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–409–000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

June 6, 1984.

Take notice that on May 14, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84–409–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon transportation of natural gas on behalf of El Paso Natural Gas Company (El Paso) pursuant to a transportation agreement dated October 7, 1953, as amended, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that the October 7, 1953, transportation agreement with El Paso is identified as Rate Schedule T–1 in Northern's FERC Gas Tariff, Original Volume No. 2. It is explained that by letter dated October 26, 1983, El Paso advised Northern of its desire to terminate the transportation agreement effective October 27, 1984.

It is stated that El Paso's available gas supply in the Sprayberry Trend Area of Texas has declined to the point that Northern's capacity to transport gas from the Sprayberry TREND Area is no longer needed.

Northern further explains that El Paso has advised that Westar Transmission Company, a Division of Pioneer Corporation (Westar) is the only customer that would be affected by the proposed abandonment due to the sale El Paso currently makes to Westar at Gaines County, Texas. Northern states that El Paso has informed Northern that El Paso presently is pursuing alternative arrangements with Westar.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes

that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15594 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-414-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Request Under Blanket Authorization

June 7, 1984.

Take notice that on May 15, 1984, Northen Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84-414-000 a request pursuant to § 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205) that Northern proposes to construct and operate three small volume sales measuring stations and one large volume measuring station to accommodate natural gas deliveries to Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), under the authorization issued in Docket No. CP82-401-000 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.

Northern states it intends to install, operate and maintain three small volume measuring stations and one large volume measuring station to make sales of natural gas to end-user customers through Peoples. Northern States that such facilities would be located in Worth, Iowa, Winona and Freeborn, Minnesota, and Pawnee, Kansas. Northen further states the volumes delivered will provide necessary natural gas for residential, "small volume" commercial and essential agricultural use. Northern avers that the proposal would have no effect on Northern's peak day or annual deliveries and that the volumes delivered are within People's presently authorized firm entitlement, which was certificated in Docket No. CP82-500-001 on July 29, 1983.

Northern estimates the cost of the proposed facilities to be $32,600. Such cost, it is asserted, would be financed in accordance with Paragraph 2 of the General Terms and Conditions of Northern's FERC Gas tariff, Third Revised Volumes No. 1, and the respective letter agreements between Northen and Peoples dated December 20, 1983, and Febraury 21, 1984.

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 therefore, 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. 84-15595 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-16-004]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

June 6, 1984.

Take notice that on May 16, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 55001, filed in Docket No. CP78-16-004 a petition to amend the Commission's order issued August 22, 1978, in Docket No. CP78-16 pursuant to section 7(c) of the Natural Gas Act so as to authorize a proposal (1) to provide a transportation service, (2) to delete one existing delivery point and establish three new delivery points, (3) to revise the transported quantity, (4) to revise the rates for transportation service, and (5) to charge for its proposed service an initial liquids transportation charge, all as more fully set forth in the petition to amend which is on filed with the Commission and open to public inspection.

It is stated that in Docket No. CP78-16, Petitioner was authorized to transport for the account of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), through existing facilities up to 15,000 Mcf of natural gas per day produced from Vermilion Block 60 (V60) and up to 5,000 Mcf of natual gas per day produced from South Marsh Island Blocks 243 and 244 (SMI 243/244), offshore Louisiana, and to deliver equivalent volumes less Petitioner's fuel and use requirements to a point near Kinder, Louisiana. It is explained that at such point these volumes were retained by Petitioner as volumes redelivered by Northern pursuant to an exchange agreement between Northern and Petitioner authorized in Docket No. CP77-520 by order issued August 22, 1978. Petitioner submits that in Docket No. CP77-520, Northern and Petitioner were authorized to exchange up to 26,668 Mcf of natural gas per day which was imported by Midwestern Gas Transportation Company (Midwestern) from Canada pursuant to authorization received by Midwestern in Docket No. CP77-458 and sold by Midwestern to Petitioner pursuant to authorization received by Midwestern in Docket No. CP77-459.

Petitioner states that by an order issued May 5, 1983, in Docket No. CP77-459-002 Midwestern was authorized to abandon such sales to Petitioner and to abandon related facilities. Petitioner states that it and Northern have filed applications for authorization to abandon the above-referenced exchange service in Docket Nos. CP77-520-004 and CP83-317-000, respectively.

Petitioner now request authorization to provide Northern with a revised transportation service in accordance with an amendment dated October 7, 1983 (Amendment), to the transportation agreement dated September 19, 1977, as amended on September 19, 1980.

Petitioner further states that it is currently transporting this gas for Northern from offshore to a point near Kinder, Louisiana, under the certificate issued in Docket No. CP78-16 and from Kinder to the new delivery points set out in the Amendment pursuant to the provisions of Section 284.221 of the Commission's Regulations and Petitioner's Order No. 60 blanket certificate issued February 21, 1980, in Docket No. CP80-132. Reports of this transaction have been filed by Petitioner in Docket No. ST82-469.

Pursuant to the provisions of the Amendment, Petitioner proposes to delete the existing delivery point at Kinder and to establish three new delivery points located at (1) the point of interconnection between Petitioner's 16-inch line and United Gas Pipe Line Company's (United) 20-inch line in Calcasieu Parish, Louisiana (Iowa Point of Delivery), (2) the point of interconnection of Petitioner's Muskrat Line and United's 30-inch line near Bayou Sale, St. Mary, Parish, Lousisiana (Centerville Point of Delivery), or (3) the point of interconnection of Petitioner's facilities with the facilities of Houston Pipe Line Company on Petitioner's Line in E. Pt. Section Survey, C.A. Posey Block in Abstract A-973, Newton

County, Texas (Sabine Point of Delivery).

It is further stated that the Petitioner's revised transportation rates would be as follows:

(1) For the transportation of gas from 60;

(a) A volume charge equal to the product of 10.45 cents multiplied by the total volume in Mcf of gas received by Petitioner from Northern during the month, less volumes retained by Petitioner for fuel and use.

(b) A minimum monthly bill which would consist of the volume charge of 10.45 cents multiplied by the minimum bill volume, which would consist of the number of days in said month, multiplied by 66⅔ percent of the transportation quantity, less the volume, if any, tendered by Northern and not taken by Petitioner and by the volumes retained for Petitioner's system fuel and use.

(2) For the transportation of gas from SMI 243 and SMI 244;

(a) A volume charge equal to the product of 10.45 cents multiplied by the total volume in Mcf of gas received by Petitoner from Northern during the month, less volumes retained by Petitoner for fuel and use.

(b) A minimum monthly bill which would consist of the volume charge of 10.45 cents multiplied by the minimum bill volume, which would consist of the number of days in said month, multiplied by 66⅔ percent of the transportation quantity, less the volume, if any tendered by Northern and not taken by Petitoner and by the volumes retained for Petitoner's system fuel and use.

Petitioner states that in addition it would collect a liquids transportation charge of 58.13 cents per barrel for the transportation of liquids.

In accordance with the Amendment, Petitioner has also agreed to revise the transportation quantity from 15,00 Mcf per day from 60 to 10,000 Mcf per day. Also the transportation quantity from 243 and 244 combined is being reduced from 5,000 Mcf per day to 3,000 Mcf per day, it is explained. In both cases, Petitioner states that it has the right but not the obligation to accept volumes in excess of the transportation quantity which are tendered by Northern.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 27, 1984, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the reuirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15596 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-

[Docket No. CP84-415-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

June 6, 1984.

Take notice that on May 16, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-415-000 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 Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that it would accept and receive daily, as permitted in Tennessee's sole opinion by operating conditions on its system, up to 19,500 Mcf of natural gas per day for the account of Northern at a point of receipt at the interconnection of Tennessee's existing pipeline in Eugene Island Block 342 and Northern's Pipeline extending from Eugene Island Block 384, offshore Louisiana. Tennessee states further that it would deliver equivalent volumes, less volumes for Tennessee's fuel and use requirements and less volumes, if any, due to processing, at the following points of delivery: (1) The interconnection of Tennessee's Muskrat line and United Gas Pipe Line Company's (United) 30-inch line near Bayou Sale, St. Mary Parish Louisiana (Centerville); (2) the interconnection of Tennessee's 16-inch line and United's 20-inch line in Calcasieu Parish, Louisiana (Iowa); (3) a point on Tennessee's 30-inch Kinder-Sabine pipeline 2.4 miles west of Kinder, Jefferson Davis Parish, Louisiana (Kinder); or (4) the point of interconnection between Tennessee and Houston Pipe Line Company on Tennessee's line in E. Pt. Section 2 Survey, C.A. Posey Block in Abstract A-973 Newton County, Texas (Sabine). It is stated that pursuant to the agreement between the parties, processing is permitted at the Yscloskey Plant, St. Bernard Parish, Louisiana and that the gas to be received and transported by Tennessee is produced from Eugene Island Block 384.

It is stated that Northern would pay Tennessee for the transportation service: [1]

(1) A volume charge equal to the product of 10.45 cents multiplied by the total volume in Mcf of gas received by Tennessee from Northern during the month, less volumes retained by Tennessee for fuel and use.

(2) A minimum monthly bill which shall consist of the volume charge of 10.45 cents multiplied by the number of days in said month, multiplied by sixty-six and two-thirds percent (66⅔%) of the Transportation Quantity less the volume, if any, tendered by Northern and not taken by Tennessee.

In addition, Northern would provide to Tennessee, at no cost to Tennessee, a daily volume of gas for Tennessee's system fuel and uses equal to three and thirteen hundredths percent (3.13%) of the volume received from Northern hereunder on any day.

Further, Northern would pay Tennessee a liquids transportation charge of 47.82 cents per barrel [2] for the transportation of liquids.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 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.

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[1] As permitted by the Agreement, Tennessee's rates have been changed from those stated in the Agreement to reflect Tennessee's current costs.

[2] As permitted by the Agreement, this rate shall be adjusted annually to be effective April 1 of each year by use of the GNP Implicit Price Deflator (or suitable replacement should such deflator be discontinued).

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 Tennessee to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15597 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-417-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

June 6, 1984.

Take notice that on May 17, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-417-000 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 Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that it would receive daily, as permitted in Tennessee's sole opinion by operating conditions on its systems, up to 9,500 Mcf of natural gas per day for Northern at a point of receipt at the interconnection between Tennessee's existing pipeline and Northern's pipeline extending from East Cameron Block 104, such interconnection is located in East Cameron Block 97 at the existing sub-sea Valve No. 507F-4431, offshore Louisiana. Tennessee states further that it would deliver equivalent volumes, less volumes for Tennessee's fuel and use requirements and less volumes, if any, due to proessing, at the following points of delivery: (1) The interconnection of Tennessee's Muskrat line and United Gas Pipe Line Company's (United) 30-inch line near Bayou Sale, St. Mary Parish, Louisiana (Centerville); (2) the interconnection of Tennessee's 16-inch line and United's 20-inch line in Calcasieu Parish, Louisiana (Iowa); or (3) the interconnection between Tennessee and Houston Pipe Line Company on Tennessee's line in E. Pt. Section 2 Survey, C.A. Posey Block in Abstrict A-973, in Newton County, Texas (Sabine).

It is stated that Northern would pay Tennessee for the transportation servie: [1]

(1) A volume charge equal to the product of 10.45 cents multiplied by the total volume in Mcf of gas received by Tennessee from Northern during the month, less volumes retained by Tennessee for fuel and use.

(2) A minimum monthly bill which shall consist of the volume charge of 10.45 cents multiplied by the number of days in said month, multiplied by sixty-six and two thirds percent (66⅔%) of the Transportation Quantity less the volume, if any, tendered by Northern and not taken by Tennessee.

In addition, Northern would provide to Tennessee, at no cost to Tennessee, a daily volume of gas for Tennessee's system fuel and uses equal to one and two tenths percent (1.2%) of the volume received from Northern hereunder on any day.

Further, Northern would pay Tennessee a liquids transportation charge of 47.82 cents per barrel [2] for the transportation of liquids.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 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 Tennessee to appear or be represented at the hearing.

Kenenth F. Plumb,

Secretary.

[FR Doc. 84-15598 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-429-000]

Texas Eastern Transmission Co.; Application

June 6, 1984.

Take notice that on May 22, 1984, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP84-429-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the increased sale of natural gas in interstate commerce to nine existing customers for resale, the construction and operation of $93.3 million in facilities in connection with the proposed increased sales, and the revision of its service agreement with Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to increase maximum daily quantities (MDQ) of gas by 236,000 dekatherms (dt) equivalent per day presently sold under its existing resale Rate Schedule DCQ to meet increases in demand for new gas supplies from the following nine existing customers located in Applicant's Zone C and Zone D Markets.

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[1] As permitted by the Agreement, Tennessee's rates have been changed from those stated in the Agreement to reflect Tennessee's current costs.

[2] As permitted by the Agreement, this rate shall be adjusted annually to be effective April 1 of each year by use of the GNP Implicit Price Deflator (or suitable replacement should such deflator be discontinued).

	Current DCQ Contract		Proposed DCQ Contract	
	Daily (dt per day	Annual (dt)	Daily (dt per day)	Annual (dt)
Algonquin Gas Transmission Company	203,907	74,426,055	293,907	107,276,055
The Brooklyn Union Gas Company	33,447	14,398,155	49,447	18,048,155
Consolidated Edison Company of New York, Inc	75,397	27,519,905	109,167	39,845,955
National Gas & Oil Corporation	22,655	8,269,075	28,129	10,267,085
New Jersey Natural Gas Company	84,085	30,691,025	89,085	32,516,025
Philadelphia Electric Company	13,495	4,925,675	23,495	8,575,675
Philadelphia Gas Works	19,724	7,199,260	49,724	18,149,260
T. W. Phillips Gas & Oil Co	7,266	2,652,090	9,022	3,293,030
Public Service Electric & Gas Company	145,333	53,046,545	195,333	71,296,545
Total	611,309	223,127,785	847,309	309,267,785

Applicant further proposes to construct and operate facilities to expand pipeline capacity. Sepcifically, Applicant proposes to construct and operate 75.03 miles of 30-inch pipeline to loop its existing 24-inch Line No. 2 and 30-inch Line No. 19 at eight locations between its existing Delmont and Bechtelsville compressor stations in Pennsylvania, 11.50 miles of 30-inch pipeline to loop its existing 30-inch Line No. 9 and 36-inch Line No. 29 between its existing Connellsville and Delmont compressor stations in Pennsylvania; an 8,800 horsepower addition at existing compressor station No. 26 located near Lambertville, New Jersey, a 6,000 horsepower addition at existing compressor station No. 20 located near Wind Ridge, Pennsylvania; and, upgrade the metering at existing meter station No. 87 located near Lambertville, New Jersey. Applicant has designated the proposed 86.53 miles of 30-inch pipeline loop as 30-inch Line No. 39.

Applicant estimates the cost of the proposed facilities to be $93,286,000. Applicant proposes initially to finance the cost of constructing the proposed facilities through revolving credit arrangements, short-term loans and from funds on hand with permanent financing to be undertaken at a later date as part of Applicant's overall long-term financing program.

Applicant also request authorization to revise its existing service agreement with Columbia to reduce its gas sales to Columbia under the Applicant's Rate Schedule DCO, from its presently authorized level of 431,223 dt per day to 195,223 dt per day, a decrease of 236,000 dt per day. Applicant alleges that the proposed reduction of its contract obligation is necessary to alleviate a permanent loss of load in its Zone C Market served in part by Columbia. Applicant intends to use the 236,000 dt per day to supply the aforementioned proposed 236,000 dt per day MDQ increases.

Applicant states that its Zone D customers located in Ohio, Pennsylvania, and West Virginia require the proposed MDQ increases and facilities to meet significant unmet demands in their residential, commercial, industrial, and electric generation market sectors. Applicant alleges that this is in contrast to the downward market trends experienced by Columbia's customers in the same market sectors due to environmental constraints, conservation, fuel switching, and a permanent load loss resulting from a general economic downturn. Applicant further alleges that Columbia's market decline has caused an 81,000,000 Mcf or 60 percent decrease in Columbia's annual natural gas purchases from Applicant from 136,000,000 Mcf in 1979 to 55,000,000 Mcf in 1983. Applicant believes that authorization of the proposed MDQ increases to its customers, the proposed construction and operation of facilities, and the proposed revision of its existing service agreement with Columbia will help it to meet the unmet demands of its customers, and at the same time allow Applicant to adapt contracts to changes in Applicant's markets.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 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. 84-15599 Filed 6-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-405-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

June 6, 1984.

Take notice that on May 10, 1984, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-405-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that United Proposes to add a new delivery point for Monsanto Fibers and Intermediates Company (Monsanto) [1] to reassign the volumes of gas to be delivered from one of Monsanto's delivery points to another, and to construct and operate certain facilities under the authorization issued in Docket No. CP82-430-000 persuant to section 7 of the Natural Gas Act, all as more fully described in the request which is on file with the Commission and open to public inspection.

Specifically, United proposes (1) to add a new delivery point to Monsanto which would be located near Luling, St. Charles County, Louisiana, (2) to reassign volumes of gas delivered to Monsanto's plant located near Pensacola, Escambia County, Florida, to Monsanto's Luling plant, and (3) to construct and operate facilities in connection therewith. It is explained that Monsanto would reimburse United for the cost of these facilities. United states that the total volumes which would be dilivered to Monsanto after approval of this request would not exceed the total volumes authorized prior to the request. It is further stated that the proposed change is not

[1] Formerly Monsanto Company.

prohibited by an existing tariff of United. United states that it has sufficient capacity to accomplish the deliveries specified under the amendment to the United/Monsanto gas sales agreement without detriment or disadvantage to United's other customers.

United states that by order issued September 20, 1965, in Docket No. CP60–14, United is authorized to deliver up to 75,000 Mcf of gas per day to Monsanto at its plant near Pensacola. It is explained that due to many factors, including the marketing environment in which Monsanto operates, the actual volumes purchased from United vary substantially from time to time. It is further explained that during the first three months of 1984, United sold an average of 18,576 Mcf of gas per day to Monsanto at the Pensacola delivery point. United herein seeks authorization to transport gas which it proposes to sell directly to Monsanto at its plant located near Luling.

It is explained that United has been advised by Monsanto that it expects its total purchases at both plants to be at an average rate of approximately 50,000 Mcf of gas per day. It is stated that the following is a breakdown of purchases, by plants and use:

[Million Btu per day]

End-use	Luling volumes	Pensacola volumes
Feed stock	14,650	1,838
Process	11,254	2,438
Boiler fuel	3,005	16,477
Plant protection	358	274
Totals	29,267	21,027

It is further stated that the above are estimates and are based on current operating conditions at the respective plants and would increase or decrease with changes in economic conditions, weather, or operations of the plants. United states that these estimates are average day usage, not maximum requirements. United explains that due to competition with other natural suppliers, it has no assurance that all of these requirements would be purchased from United. In no event would the total sales by United to Monsanto at both the Pensacola and Luling locations exceed the presently authorized volume of 75,000 MCf of gas per day, it is indicated.

United avers that the proposed change in delivery points would not impact United's total peak day or annual system deliveries. This proposal change would, on certain days, shift demand away from the Mobile/Pensacola area and thus, would reduce the flow requirement of United's Lirette-Mobile Pipeline because deliveries at Luling would cause an Mcf for Mcf reduction in the amount of gas that would otherwise flow from Luling to Mobile and Pensacola, it is stated. United further indicates that it does not expect the proposed change in delivery points to be a detriment or disavantage to United's other customers.

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. 84–15600 Filed 6–8–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–424–000]

United Gas Pipe Line Co.; Application

June 7, 1984.

Take notice that on May 18, 1984, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84–424–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing United to initiate natural gas service to a new city gate customer and to construct and operate certain facilities in connection therewith, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

United asserts tht the Town of Arnaudville, Louisiana (customer), is a small city gate customer whose needs cannot be met by its current supplier. The peak maximum daily quantity for which authority is requested is 1,500 Mcf of natural gas per day. It is estimated that the customer would have an average daily demand for gas of 118 Mcf in the summer and 310 Mcf in the winter

In connection with this service United proposes to construct and operate 50 feet of 2⅜-inch O.D. pipe, a tap and a meter station at a projected cost of $62,121 which would be financed from funds on hand.

United states that the service would be performed at the same rate level as that charged under United's Rate Schedule G-S for a term ending on January 1, 1995.

United asserts that it has surplus gas supplies, that Arnaudville has a need for the gas and that the effect of the requested maximum daily quantity increase would be to replace a small portion of the substantial attrition of United's market.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 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 CR 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. 84–15601 Filed 6–8–84; 8:45 am]

BILLING CODE 6717–01–M

Determination Under the Natural Gas Policy Act for OCS Leases Issued on or After April 20, 1977

Issued: June 6, 1984.

On September 27, 1983, the Federal Energy Regulatory Commission (Commission) issued Order No. 336 under Docket Nos. RM83–3 and RM81–12 (48 FR 44,508 September 29, 1983). In that order, the Commission amended its regulations relating to filing requirements for well category applications under the Natural Gas Policy Act of 1978 (NGPA). The determination process for natural gas produced from a new lease, i.e., a lease entered into on or after April 20, 1977, on the Outer Continental Shelf (OCS), and qualifying as new natural gas under section 102 of the NGPA, was amended in two respects. First, the Commission eliminated the requirement that a determination be made for each well producing gas from a new OCS lease. Second, in lieu of filing an application for each well, the Commission now permits the grant of a new OCS lease to constitute the requisite jurisdictional agency determination that the gas is produced from a new OCS lease.

Under the new procedures, the U.S. Department of Interior, Minerals Management Service (MMS), must file within 60 days of the grant of the lease a notice of determination which includes the lease number, the area and block number, and the date on which the OCS lease was issued by the Secretary of the Interior. This determination is subject to Commission review in the same manner as other jurisdictional agency determinations.

On May 14, 1984, the Commission received notice from MMS, Alaska OCS Region, that 96 leases were issued as a result of Sale 70, St. George Basin. The leases include lease numbers OCS–Y–443 through OCS–Y–486 and OCS–Y–488 through OCS–Y–539. Ninety of the leases were effective March 1, 1984. The remaining six—lease numbers OCS–Y–512 through OCS–Y–514, OCS–Y–519, OCS–Y–520, and OCS–Y–524—have an effective date of February 1, 1984.

The sale included the following lease and block numbers:

Lease No. OCS–Y	Block
443	367
444	368
445	410
446	411
447	412
448	421
449	422
450	423
451	424
452	465
453	466
454	467
455	468
456	511
457	528
458	560
459	561
460	562
461	563
462	603
463	604
464	605
465	607
466	616
467	647
468	648
469	649
470	650
471	651
472	766
473	767
474	768
475	809
476	810
477	811
478	854
479	855
480	898
481	899
482	943
483	961
484	962
485	1005
486	386
488	431
489	477
490	478
491	523
492	490
493	491
494	492
495	493
496	497
497	498
498	535
499	536
500	537
501	538
502	541
503	542
504	582
505	583
506	584
507	585
508	586
509	629
510	630
511	631
512	667
513	668
514	669
515	674
516	675
517	676
518	713
519	714
520	715
521	721
522	757
523	758
524	759
525	760
526	763
527	764
528	801
529	808
530	809
531	844
532	845
533	849
534	850
535	953
536	888
537	889
538	890
539	894

The list of OCS leases submitted by the MMS for this sale is available for inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within twenty days after this notice is issued by the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–15602 Filed 6–8–84; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE–FRL 2604–7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget for review. The ICR describes the nature of the solicitation and the expected impact, and, where appropriate, includes the actual data collection instrument. The following ICRs are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Regulation and Information Management Division (PM–223); U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, D.C. 20460; telephone (202) 382–2742 or FTS 382–2742.

SUPPLEMENTARY INFORMATION:

Pesticides Programs

• Title: Pesticide Experimental Use Permit Application and Final Report (EPA #0276).

Abstract: Pesticide companies use this form to apply for an experimental use permit (EUP) to ship and use certain pesticide products. They use these products in testing to develop data necessary to support an application for pesticide registration. EPA uses the final report to ensure compliance with the terms of the EUP.

Respondents: Pesticide companies.

• Title: Contractors and Assistance Recipients Invention Report (EPA #0871).

Abstract: Contractors and assistance recipients making an invention while under EPA contracts, grants or cooperative agreements must report

those inventions to the Agency. The information enables EPA to protect Government and public rights in such instances.

Respondents: Contractors and assistance recipients receiving EPA funding.

Comments on all parts of this notice should be sent to:

David Bowers (PM–223), U.S. Environmental Protection Agency, Office of Standards and Regulations, Regulation & Information Management Division, 401 M Street, SW., Washington, D.C. 20460, and

Carlos Tellez, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: June 4, 1984.

Daniel J. Fiorino,

Acting Director, Regulation and Information, Management Division.

[FR Doc. 84–15403 Filed 6–8–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Joseph Bahr and Samuel Dean Elder; Memorandum Opinion and Order

In re applications of Joseph Bahr, Christiansted, St. Croix, Virgin Islands (MM Docket No. 84–563, File No. BPCT–830330KF) and Samuel Dean Elder, Christiansted, St. Croix, Virgin Islands (MM Docket No. 84–564, File No. BPCT–830602KI), for construction permit.

Adopted: May 25, 1984.

Released: June 8, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for a new commercial television station to operate on Channel 27, Christiansted, St. Croix, Virgin Islands; a petition to deny Bahr's application filed by Antilles Broadcasting Corporation (Antilles)[1] and related pleadings.

[1] The petition to deny was not only filed against Bahr's TV application, but also against two FM applications filed by Bahr to modify the construction permit of Station WVIS–FM, Frederiksted, St. Croix, Virgin Islands. This Order will only deal with those issues in the petition that are raised with respect to Bahr's television proposal. Issues with respect to Bahr's FM applications will be considered in a separate Order.

2. Antilles claims standing as a party in interest under section 309(d) of the Communications Act of 1934, as amended, on the grounds that, as the licensee of a television station on St. Croix, it would compete with Bahr for audience and revenues. We find that Antilles has standing. *F.C.C.* v. *Sanders Brothers Radio Station*, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008 (1940).

3. Antilles alleges that the filing of Bahr's television application raises a "one-to-a-market" question under Section 73.636(a)(1) of the Commission's Rules. Section 73.636(a)(1) states that no license for a television broadcast station shall be granted to any party if such party directly or indirectly owns, operates, or controls one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed station encompassing the entire community of license of one of the FM broadcast stations. Bahr is the licensee of WVIS–FM, Fredericksted, which is wholly encompassed within the Grade A contour of the proposed television station. However, Note 8 of the Rule provides that applications for UHF television facilities will be considered on a case-by-case basis to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Bahr has filed a "request for favorable ruling" on the "one-to-a-market" problem. We will treat the request as a waiver request. Accordingly, an appropriate issue will be specified to determine whether common ownership of the FM station and the proposed television station would be consistent with the public interest.

4. Antilles further states that Bahr's TV application does not disclose, as required, the existence of Bahr's pending FM applications, in violation of § 73.3514 of the Rules. Section II, item 6(b), FCC Form 301 requires an applicant to state whether he has a broadcast application pending before the FCC. Since Bahr did not disclose his pending FM applications, he is in violation of the rule. However, it is noted that Bahr did include the outstanding license for WVIS–FM, in his application and his failure to report the two modification applications does not affect the disposition of this case. We do not believe that Bahr's omission is of such a serious nature as to require the specification of a 1.65 issue. Accordingly, no issue will be specified.

5. Antilles alleges that Bahr is not financially qualified and that his certification of financial qualifications to build the proposed television station constitutes misrepresentation. Antilles has adduced no facts to support its allegations that Bahr is not financially qualified. The basis for the allegation is Bahr's statement, in his television application, that his FM station was in serious economic jeopardy because of the increased potential competition of new FM stations in Christiansted. Antilles construes this statement as an admission of lack of financial qualifications. We do not. The fact that the FM station may face greatly increased competition, or that it may suffer economic losses, or even that it may be forced to discontinue operation for financial reasons does not mean that Bahr does not have sufficient funds available to construct and operate the proposed television station. He has certified that he has the required funds available from committed sources and, in the absence of facts to indicate that the certification is false, we will not question the validity of the certification.

6. Section V–C, item 10(e), FCC Form 301 requires that an applicant submit the area and population that is encompassed by its predicted Grade B contour. Joseph Bahr has not given this information. Consequently, we are unable to determine whether there would be a significant difference in the size of the areas and populations that the applicants propose to serve. Bahr will be required to submit an amendment providing the information called for in item 10(e), within 20 days after this Order is released, to the presiding Administrative Law Judge. If it is determined that there is a significant disparity between the areas and populations, the presiding Administrative Law Judge will consider it under the standard comparative issue.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. The Commission, however, is unable to make the statutory finding that grant of the remaining applications, or any of them, would serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Joseph Bahr, whether common ownership, operation, or control of

Station WVIS–FM and the proposed television station would be consistent with the public interest.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That the petition to deny filed by Antilles Broadcasting Corporation against Joseph Bahr is granted to the extent indicated herein and is othewise denied.

10. It is further ordered, That Antilles Broadcasting Corporation is made a party respondent to this proceeding.

11. It is further ordered, That Joseph Bahr shall submit an amendment providing the information required by Section V–C, item 10(e), FCC Form 301, within 20 days after this Order is released, to the presiding Administrative Law Judge.

12. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84–15376 Filed 6–8–84; 8:45 am]

BILLING CODE 6712–01–M

Family Media, Inc. and Amarillo Junior College District; Hearing Designation Order

In re applications of Family Media, Inc. (MM Docket No. 84–558, File No. BPET–831017KH) and Amarillo Junior College District (MM Docket No. 84–559, File No. BPET–831219KM), For Construction Permit for New TV Station on Channel 2, Amarillo, Texas.

Adopted: May 23, 1984.

Released: June 8, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Family Media, Inc. (Family), and Amarillo Junior College District (AJC) for authority to construct a new noncommercial educational television station on Channel *2, Amarillo, Texas.

2. Section 73.685(f) of the Commission's Rules requires an applicant proposing to use a directional antenna to include a tabulation of relative field pattern, oriented so that 0° corresponds to True north and tabulated at least every 10° plus any minima or maxima. Family has not supplied this data. Accordingly, the applicant will be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge and a copy to the TV Branch, Mass Media Bureau, within 20 days after this Order is released.

3. Section 73.1125 of the Commission's Rules requires the main studio of a television station be located within the city of license, but, upon a showing of good cause, the main studio may be located outside that community. Family proposes to locate its main studio 5 miles North of Amarillo. However, Family has not submitted the required showing for locating its studio outside of Amarillo. Accordingly, an issue will be specified to determine whether good cause exists for locating the main studio outside the principal community to be served and whether to do so would be consistent with operation of the station in the public interest.

4. An applicant for new broadcast stations is required by § 73.3580 of the Commission Rules to give local notice of the filing of its application. It must then file with the Commission a certification of compliance with the requirements as described in § 73.3580(h). We have no evidence that either Family or AJC has published the required notice. Each applicant will, therefore, be required to file with the presiding Administrative Law Judge a certification of compliance with § 73.3580 within 20 days after release of this Order.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Family Media, Inc. whether good cause exists for locating the main studio outside the principal community to be served and, if so, whether it would be consistent with operation of the station in the public interest;

2. To determine the extent to which each applicant's proposed operation will be integrated into the overall cultural and educational objectives of the respective applicants;

3. To determine the manner in which each applicant's proposed operation meets the needs of the community to be served;

4. To determine whether the factors in the record demonstrate that one applicant will provide a superior non-commercial educational broadcast service;

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That Family Media, Inc. shall submit an amendment providing the information required by § 73.685(f) of the Commission's Rules, to the presiding Administrative Law Judge and a copy to TV Branch, Mass Media Bureau, within 20 days after the date of the release of this Order.

8. It is further ordered, That Family Media, Inc., and Amarillo Junior College District shall each file a certification with the presiding Administrative Law Judge that it has or will publish local notice of the filing of its application, within 20 days after the date of release of this Order.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the

manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84-15378 Filed 6-8-84; 8:45 am]

BILLING CODE 6712-01-M

KQED, Inc. and Minority Television Project; Hearing Designation Order

In re application of KQED, Inc. San Franciso, California (MM Docket No. 84-567, File No. BRET-830801LJ), for renewal of license of noncommercial station KQEC(TV), Channel 32, San Francisco, California and Minority Television Project, San Francisco, California (MM Docket No. 84-568, File No. BPET-831101KI), for a construction permit for a new noncommerical television station on channel 32, San Francisco, Calfornia.

Adopted: May 25, 1984.

Released: June 8, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the 1983 license renewal appication of KQED, Inc. (KQED), for noncommercial educational television station KQED(TV), San Francisco, California, and the application of Minority Television Project (Minority) for a construction permit for a new noncommercial educational television station on Channel 32, San Francisco.[1]

2. Applicant for new broadcast stations are required to give local notice of the filing of their applications, in accordance with § 73.3580 of the Commission's Rules. They must then file proof of publication of such notice or certify that they have or will comply with the public notice requirement. We have no evidence, however, that Minority has complied with the local public notice requirements. Accordingly, Minority will be required to file a statement that it has or will comply with the public notice requirements of § 73.3580 of the Commission's Rules with the Administrative Law Judge within 20 days of the release of this Order.

3. Minority indicates that it is relying upon funds for its proposed station from the National Telecommunications Information Agency (NTIA) and from an unspecified state agency. However, we have no information with respect to whether Minority has actually filed a request for funds with those agencies. Accordingly, an issue will be specified to determine whether there is a reasonable assurance that the funds needed to construct and operate the proposed station would be available in the event of a grant of the construction permit.

4. Minority failed to submit a proposed weekly schedule of program which are required in Item 2 of Section IV, FCC Form 340. Consequently, Minority will be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge within 20 days after this Order is released.

5. Section IV, page 8, item 6, FCC Form 340, requests information with respect to the the percentage of a station's ordinary broadcast week that will be devoted to instructional programming. Minority has not answered item 6. Minority will, therefore, be required to submit a response to item 6 to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

(A) To determine with respect to Minority Television Project, whether there is a reasonable assurance that the funds needed to construct and operate the proposed station for three months would be available in the event of a grant of the construction permit.

(B) To determine with respect to the competing applications:

(i) The extent to which the past and proposed operation of KQEC(TV) and the proposed operation of Minority Television Project will be integrated into the overall cultural and educational objectives of the respective applicants;

(ii) The manner in which the past and proposed operations of KQEC(TV) and the proposed operation of Minority Television Project meets the needs of the community to be served; and

(iii) Whether other factors in the record demonstrate that one applicant will provide a superior noncommercial television service.

(C) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That, the petition to deny filed by KQED, Inc. against the application of Minority Television Project is dismissed.

9. It is further ordered, That Minority Television Project shall file a certification, within 20 days after the date of release of this Order, with the presiding Administrative Law Judge that it has or will publish local notice of the filing of its application.

10. It is further ordered, That Minority Television Project shall submit an amendment providing the information required by Section IV, Item 2 of FCC Form 340, to the presiding Administrative Law Judge within 20 days after the date of release of this Order.

11. It is further ordered, That Minority Television Project shall submit a response to Section IV, Item 6, FCC Form 340, to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

12. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communication Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

[1] KQED, Inc. filed a petition to deny Minority's application. The petition is, in essence, a predesignation petition to specify issues. Such petitions are no longer permitted and it will be dismissed. *Revised Procedures for the Processing of Contested Broadcast Applications*, 72 F.C.C. 2d 202 (1979).

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84-15377 Filed 6-8-84; 8:45 am]

BILLING CODE 6712-01-M

Powell Community Television and Daystar Broadcasting Corp.; Hearing Designation Order

In re applications of Powell Community Television (MM Docket No. 84-565 File No. BPCT-840112KF) and Daystar Broadcasting Corp. (MM Docket No. 84-566 File No. BPCT-840306KH), for construction permit for new TV Station, Channel 46, Norman, Oklahoma.

Adopted: May 25, 1984.

Released: June 8, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Powell Community Television (Powell), and Daystar Broadcasting Corporation (Daystar) for authority to construct a new commercial television station on Channel 46, Norman, Oklahoma.

2. Daystar filed a petition questioning the acceptability of the Powell application. It noted that Powell's application was one of four applications filed for Channel 46, Norman, on the same date, all of which were prepared by the same consultant and all of which were identical in substantial part. Daystar concludes from these facts that all of these applicants had an identity of interest with Powell, and that they had conspired to avoid the requirements of section 73.3520 of the Commission's Rules. That rule prohibits the filing of multiple applications for the same class of station by the same applicant or related parties. Section 309 of the Communications Act of 1934, as amended, requires that petitions contain specific allegations of fact, not conclusions. Parties hiring the same consultant may well submit substantially similar applications without conspiring to avoid the reach of the rules, and the petition contains no specific allegations of fact as to such a conspiracy. Therefore, Daystar has failed to plead its case for dismissal of Powell's application and its petition will be denied.[1]

3. Section V-C, item 10, FCC Form 301, requires that an applicant submit figures for the area and population within its predicted Grade B contour. Powell has not submitted figures for the population. Consequently, we are unable to determine whether there would be a significant difference in the size of the area and population that each applicant proposes to serve. Powell will be required to submit an amendment showing the required information, within 20 days after this Order is released, to the presiding Administrative Law Judge. If it is determined that there is a significant disparity between the areas and populations, the presiding Administrative Law Judge will consider it under the standard comparative issue.

4. No determination has been made that the tower height and location proposed by Daystar [2] would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

5. Powell indicates that the National Oceanic and Atmospheric Administration Thirty Second Interval Point Elevation Data Base was used to compute the terrain data submitted with his application. The use of that data base does not comply with the requirements of § 73.684(g) of the Commission's Rules. Section 73.684(g) requires the use of U.S. Geological Survey Topographic Quadrangle Maps in constructing terrain profiles from which average terrain elevations are determined. Accordingly, Powell will be required to submit an appropriate amendment that demonstrates compliance with § 73.684 of the Commission's Rules to the presiding Administrative Law Judge within 20 days after this Order is released.

6. Daystar proposes to use a directional antenna. Section 73.685(e) of the Commission's Rules limits the maximum-to-minimum ratio of a UHF directional antenna to 15 db. Daystar proposes a directional antenna with maximum-to-minimum ratio of 18.4 db, but no waiver has been requested. Accordingly, an issue regarding this matter will be specified.

7. Daystar's directional antenna description is not reflected in the contour calculation tabulated in response to Section V-C-15, FCC Form 301, or plotted in Exhibit E-2. Daystar will be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge and a copy to the TV Branch, Mass Media Bureau, within 20 days after this Order is released.

8. Section II, question 10, FCC Form 301, requires an applicant giving a negative response to attach an exhibit with a full explanation for the negative answer. Daystar gave a negative answer to question 10 but did not include the required exhibit. Accordingly, Daystar will be required to file an amendment explaining the negative response to question 10, Section II, FCC Form 301, with the presiding Administrative Law Judge within 20 days after the release of this Order.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether there is a reasonable possibility that the tower height and location proposed by Daystar Broadcasting Corporation would constitute a hazard to air navigation.

(2) To determine with respect to Daystar Broadcasting Corporation, whether circumstances exist which would warrant a waiver of Section 73.685(e) of the Commission's Rules.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That the petition to deny filed by Daystar Broadcasting Corporation against Powell Community Television is dismissed.

12. It is further ordered, That Powell Community Television shall submit an amendment stating the population within its predicted Grade B contour, within 20 days after this Order is released, to the presiding Administrative Law Judge.

13. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

14. It is further ordered, That Powell Community Television shall submit an appropriate amendment demonstrating compliance with Section 73.684 of the

[1] The other applications filed on the same date that Powell filed its application were subsequently dismissed at the request of the applicants.

[2] The FAA's determination of Daystar's tower expired February 10, 1984; therefore, Daystar must revalidate the determination with FAA.

Commission's Rules, to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

15. It is further ordered, That Daystar Broadcasting Corporation shall submit an amendment stating the description of its directional antenna in response to V–C–15 and Exhibit 2 to the presiding Administrative Law Judge and a copy to TV Branch, Mass Media Branch, within 20 days after the date of the release of this Order.

16. It is further ordered, That Daystar Broadcasting Corporation shall submit an appropriate amendment explaining its negative answer to question 10, Section II, FCC Form 301, to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

17. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

18. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84–15379 Filed 6–8–84; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and state	File No.	MM Docket No.
A. Alfred Broadcast, Inc.; Canyon, Tex.	BPH–830215AJ	84–569
B. Auldridge Broadcasting Inc.; Canyon, Tex.	BPH–830419AI	84–570
C. Albert D. Davila; Canyon, Tex.	BPH–830808AI	84–571
D. Leland D. Shaffner, Judith C. Shaffner & John G. Alverez; Canyon, Tex.	BPH–830808AP	84–572
E. Samuel K. Stratemeyer; Canyon, Tex.	BPH–830808AO	84–573

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, E
2. Comparative, all
3. Ultimate, all

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84–15533 Filed 6–8–84; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 84–560, et al.; File Nos. BPCT–831123KF, et al.]

Educational Television of Carolina, et. al.; Hearing Designation Order

In the matter of applications of Samuel Lugo Prez, d/b/a Educational Televisionof Carolina; (MM Docket No. 84–560 File No. BPCT–831123KF), Good TV Broadcasting Co.; (MM Docket No. 84–561 File No. BPCT–831223KE), Enrique A. and Blanca Vidal de Sanchez d/b/a R. y F. Broadcasting; (MM Docket No. 84–562 File No. BPCT–840119KH). For construction permit for new television station, Channel 52, Carolina, Puerto Rico.

Adopted: May 25, 1984.

Released: June 5, 1984.

By the Chief, Mass Media Bureau.

Hearing Designation Order

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Educational Television of Carolina (ETC), [1] Good TV Broadcasting Company (Good TV) [2] and Enrique A. and Blanca Vidal de Sanchez d/b/a R. y F. Broadcasting (RFB) for authority to construct a new commercial television station on Channel 52, Carolina, Puerto Rico.

2. The effective radiated visual power, antenna height above average terrain and other technical data submitted by each applicant indicates that there would be a significant difference in the size of the area and population that each proposes to serve. Consequently, for the purpose of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contour of each applicant, together with the availability of other television service of Grade B or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative perference should accure to any of the applicants.

3. Section 73.685(f) of the Commission's Rules requires an applicant proposing to use a directional antenna to include a tabulation of relative field pattern, oriented so that 0° corresponds to True North and tabulated at least every 10° plus any minima or maxima. Good TV and RFB have not supplied this data. Accordingly, each of them will be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge and a copy to the TV Branch, Mass Media Bureau, within 20 days after the date of the release of this Order.

4. No determination has been reached that the tower heights and locations proposed by Good TV and RFB [3] would no constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

5. Section VI, FCC Form 301, asks whether the applicant proposes to employ five or more fulltime employees. Good TV responded "possibly". This is not an acceptable answer. Good TV will be required to submit a definite

[1] Despite the name, ETC proposes to operate as a commercial television station.

[2] An amendment was filed March 30, 1984, after the "B" cut-off date. Since the amendment was required to be filed by § 1.65 of the Commission's Rules, it is accepted for § 1.65 purposes only and no comparative advantage will accure thereby.

[3] The Commission in not in receipt of FAA's determination for the tower proposed by RFB.

response to the presiding Administrative Law Judge within 20 days after the release of this Order.[4]

6. Section 73.636(a)(1) of the Commission's Rules states that no license for a television station shall be granted to any party if such party directly or indirectly owns, operates or controls one or more AM or FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the AM or FM station. Note 8 to the rule provides, *inter alia*, that applications for UHF stations will be considered on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest. Margarita N. Fiqueroa, a 49 percent general partner of Good TV, is the commercial manager and assistant general manager of stations WVOZ(AM), San Juan, and WVOZ(FM), Carolina, Puerto Rico. San Juan and Carolina, Puerto Rico would be within the Grade A contour of the proposed Good TV facility. Accordingly, an issue will be specified to determine whether Ms. Fiqueroa's association with WVOZ(AM), San Juan and WVOZ(FM), Carolina, Puerto Rico and her interest in Good TV's application is inconsistent with the rule, and if so, whether common ownership, operation and control of the AM or FM station and the proposed television station would be consistent with the public interest.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Good TV Broadcasting, whether the association of Marguarita N. Fiqueroa with WVOZ(AM), San Juan and WVOZ(FM), Carolina, Puerto Rico, and Good TV's application is consistent with § 73.636(a)(1) of the Commission's Rules, and if not, whether common ownership, operation or control of WVOZ/WVOZ(FM), and the proposed television station would be in the public interest.

2. To determine with respect to Good TV Broadcasting Company and R. y F. Broadcasting, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That Good TV Broadcasting Company and R. y F. Broadcasting shall each submit an amendment providing the information required by § 73.685(f) of the Commission's Rules, to the presiding Administrative Law Judge and a copy to TV Branch, Mass Media Bureau, within 20 days after the release of this Order.

10. It is further ordered, That Good TV Broadcasting Company shall submit an amendment to provide a definite response to Section IV, FCC Form 301, to the presiding Administrative Law Judge within 20 days after the release of this Order.

11. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 2.

12. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84-15529 Filed 6-8-84; 8:45 am]

BILLING CODE 6712-01-M

[4] A more definite answer is required because if five or more employees are to be employed, Good TV would be required to file an EEO Program.

[File Nos. BPH-830615AB and BPH-830712AC; MM Docket Nos. 84-580 and 84-581]

New FM Stations; Applications for Consolidated Hearing; Ruby Willette Thoen and Kern Valley Broadcasting Co.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Ruby Willette Thoen; Kernville, CA.	BPH-830615AB	84-580
B. Kern Valley Broadcasting Co.; Kernville, CA.	BPH-830712AC	84-581

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A, B
2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau

[FR Doc. 84-15531 Filed 6-8-84; 8:45 am]

BILLING CODE 6712-01-M

BPH-820811AO et al.; MM

[File Nos. BPH-820811AO et al.; MM Docket Nos. 84-582, et al.]

New FM Stations; Applications for Consolidated Hearing; Woman's Coalition for Better Broadcasting, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and state	File No.	MM Docket No.
A. Women's Coalition for Better Broadcasting; Rotterdam, N.Y.	BPH-820611A0	84-582
B. John D. And Terri A. Flanders, a partnership; Rotterdam, N.Y.	BPH-820930AM	84-583
C. MRLJ Enterprises, a partnership; Rotterdam, N.Y.	BPH-821217AJ	84-584

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, A, C
2. (See Appendix), A*
3. Comparative, A, B, C
4. Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washingtron D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

***Appendix**

Issue(s)

2. If a final environmental impact statement is issued with respect to A (Coalition) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301-1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 84-15532 Filed 6-8-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1765]

S.C.S. Forwarding, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of S.C.S. Forwarding, Inc., 9815 Leland Avenue, Schiller Park, IL 60176 was cancelled effective May 31, 1984.

By letter dated May 9, 1984, S.C.S. Forwarding, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1765 would be automatically revoked unless a valid surety bond was filed with the Commission.

S.C.S. Forwarding, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 9.09(f) dated September 27, 1983;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1765 be and is hereby revoked effective May 31, 1984.

It is ordered, that Independent Ocean Freight Forwarder License No. 1765 issued to S.C.S. Forwarding, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon S.C.S. Forwarding, Inc.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 84-15584 Filed 6-8-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

BankAmerica Corp.; Correction

This notice corrects a previous document (FR Doc. 84-14635), published at page 22870 of the issue for Friday, June 1, 1984. The correct listing of BankAmerica's proposed national subsidiary banks is as follows:

Bank of America, N.A., Arizona, Phoenix, Arizona—serving Arizona; Bank of America, N.A., Dallas, Dallas, Texas—serving Texas; Bank of America, N.A. Florida, Miami, Florida—serving Florida; Bank of America, N.A., Georiga, Atlanta, Georgia—serving Georgia; Bank of America, N.A., Houston, Houston, Texas—serving Texas; Bank of America, N.A., Illinois, Chicago, Illinois—serving Illinois; Bank of America, N.A., Massachusetts, Boston, Massachusetts—serving Massachusetts; Bank of America, N.A., Nevada, Las Vegas, Nevada—serving Nevada; Bank of America, N.A., New Mexico, Albuquerque, New Mexico—serving New Mexico; Bank of America, N.A., New York, New York, New York—serving New York; Bank of America; N.A., Oregon, Portland, Oregon—serving Oregon; Bank of America, N.A., Utah, Salt Lake City, Utah—serving Utah; Bank of America, N.A., Washington, D.C., Washington, D.C.—serving Maryland, Virginia and Washington, D.C.

Board of Governors of the Federal Reserve System, June 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-15481 Filed 6-8-84; 8:45 am]

BILLING CODE 6210-01-M

Erie Financial Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the

Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 2, 1984.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Erie Financial Corp.;* Detroit, Michigan; to become a bank holding company by acquiring 80 percent of the voting shares of Erie State Bank, Monroe, Michigan.

2. *Midwest Financial Group, Inc.,* Peoria, Illinois; to acquire 100 percent of the voting shares to merge with First Bloomington Corporation, Bloomington, Illinois, thereby indirectly acquiring the National Bank of Bloomington, Bloomington, Illinois.

3. *Rush County National Corporation,* Rushville, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of The Rush County National Bank of Rushville, Rushville, Indiana.

4. *Ruth Bank Corporation,* Ruth, Michigan; to become a bank holding company by acquiring 80 percent or more of the voting shares of Ruth State Bank, Ruth, Michigan.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Dyer F & M Bancshares, Inc.,* Dyer, Tennessee; to become a bank holding company by acquiring at least 80 percent of the voting shares of Farmers & Merchants Bank, Dyer, Tennessee.

2. *First United Bancshares, Inc.,* El Dorado, Arkansas; to acquire 100 percent of the voting shares of The Merchants and Planters Bank, Camden, Arkansas.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Citizens Bankshares, Inc.,* Okemah, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Citizens State Bank, and at least 80 percent of the voting shares of Affiliated Bank of Sapulpa, N.A., Sapulpa, Oklahoma.

2. *Community Bankshares, Inc.,* Seneca, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Community National Bank, Seneca, Kansas (In Organization).

Board of Governors of the Federal Reserve System, June 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-15482 Filed 6-8-84; 8:45 am]

BILLING CODE 6210-01-M

RIHT Financial Corporation, 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 July 3, 1984.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *RIHT Financial Corporation,* Providence, Rhode Island; to continue to provide through its subsidiary Hospital Trust of Florida, N.A., Palm Beach, Florida fiduciary services (which services were commenced *de novo* in 1983), from an office located in Naples, Florida, serving the state of Florida.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *The Protection Bank Holding Co., Inc.,* Protection, Kansas; to engage *de novo* in the sale of general insurance in a town with a population not exceeding 5,000. This activity will be performed in the Village of Protection, Kansas, and within a twenty mile radius thereof.

Board of Governors of the Federal Reserve System, June 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-15483 Filed 6-8-84; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 84-0405—Saul P. Steinberg c/o Reliance Group Holdings, Inc.'s proposed acquisition of voting securities of Walt Disney Productions.	May 18, 1984.
(2) 84-0447—Texas Utilities Co.'s proposed acquisition of assets of Twin Oak Steam Electric Station and related land and lignite reserves (Aluminum Co. of America UPE).	Do.
(3) 84-0453—Royal Dutch Petroleum Co.'s proposed acquisition of assets of Houston Industries, Inc.	Do.
(4) 84-0466—The Advest Group, Inc.'s proposed acquisition of voting securities of Burgess & Leith Companies, Inc. (Phoenix Mutual Life Insurance Co., UPE).	May 21, 1984.
(5) 84-0392—MCO Holding Inc.'s proposed acquisition of voting securities of Integrated Energy, Inc.	Do.
(6) 84-0393—Triton Energy Corp.'s proposed acquisition of voting securities of Bradley Resources Corp.	Do.
(7) 84-0409—Carl C. Icahn's proposed acquisition of voting securities of ACF Industries, Inc.	Do.
(8) 84-0437—Harte-Hanks Communications Inc.'s proposed acquisition of voting securities of UltraCom Incorporated (AEL Industries, Inc., UPE).	Do.
(9) 84-0441—I. C. Industries, Inc.'s proposed acquisition of voting securities of American District Telegraph Co.	Do.
(10) 84-0454—InterNorth, Inc.'s proposed acquisition of assets of Holly Corp.	Do.
(11) 84-0420—Sheller-Globe Corp.'s proposed acquisition of voting securities of Amoco Engineered Plastics Co. (Standard Oil Co., UPE).	May 22, 1984.
(12) 84-0433—TRW Inc.'s proposed acquisition of voting securities of Hammill de Mexico S. A. de C. V., and assets of the Firestone Tire & Rubber Co., UPE.	Do.
(13) 84-0480—Norcen Energy Resources Ltd.'s proposed acquisition of voting securities of the Hanna Minning Co.	Do.
(14) 84-0474—Sears Holding PLC's (Butler Shoe Corp.), proposed acquisition of assets of the retail footwear store business and voting securities of Readville Realty Corp. (National Shoes, Inc., UPE).	May 23, 1984.
(15) 84-0446—Thomas Industries Inc.'s proposed acquisition of voting securities of Gardco Manufacturing, Inc. (Reed P. Gardner, UPE).	Do.
(16) 84-0416—Dresser Industries Inc.'s proposed acquisition of assets of the Construction and Mining Equipment Division of America Standard Inc.	Do.
(17) 84-0476—Rubbermaid Inc.'s proposed acquisition of voting securities of Little Tikes, Inc. (Thomas G., Murdough, Jr., Esq.).	May 24, 1984.
(18) 84-0481—Rexnord Inc.'s proposed acquisition of voting securities of Clausing Corp.	Do.
(19) 84-0425—Farm House Foods Corp's proposed acquisition of voting securities of G-C Acquisition Corp. (CasaBlanca Industries, Inc., UPE).	Do.
(20) 84-0482) Rexnord Inc.'s proposed acquisition of voting securities of Clausing Corp.	Do.
(21) 84-0484—Wetterau Inc.'s proposed acquisition of voting securities of Milgram Food Stores Inc.	Do.
(22) 84-0494—Preussag A. G.'s proposed acquisition of assets of the Anschutz Corp. and voting securities of Graylock Pipeline, Inc. (Philip F. Anschutz, UPE).	Do.
(23) 84-0511—Rexnord Inc.'s proposed acquisition of voting securities of Clausing Corp.	Do.
(24) 84-0413—Homestake Mining Co.'s proposed acquisition of voting securities of Felmont Oil Corp.	May 25, 1984.
(25) 84-0429—Hadley Case's proposed acquisition of voting securities of Homestake Mining Co.	Do.
(26) 84-0464—RSI Corp's through its subsidiary Alchem Capital Corp. proposed acquisition of assets of 4 plants owned by Dan River Holding Co. known as Easley, Beattie, Furman and Haynsworth Plants in South Carolina.	Do.
(27) 84-0470—Basf Aktiengesellschaft's proposed acquisition of certain oil and gas and other mineral assets of Tricentrol PLC.	Do.
(28) 84-0471—KemaNobel AB's proposed acquisition of voting securities of Drexel Chemical Co. (Robert D. Shockey, UPE).	Do.
(29) 84-0479—Mooreco, Inc.'s proposed acquisition of assets of Aetna Life & Casualty Co. and voting securities of 8 subsidiaries.	Do.
(30) 84-0486—Franz Haniel & Cie. GmbH's proposed acquisition of voting securities of S. M. Flickinger Co., Inc.	May 29, 1984.
(31) 84-0430—David C Swalm's, (Texas Olefins Co.) proposed acquisition of assets of Petro-Tex Chemical Corp. (Tenneco, Inc., UPE).	Do.
(32) 84-0487—Franz Haniel & Cie. GmbH's proposed acquisition of voting securities of S. M. Flickinger Co., Inc.	Do.
(33) 84-0492—Franz Haniel & Cie. GmbH's proposed acquisition of voting securities of S. M. Flickinger Co., Inc.	Do.
(34) 84-0497—Kirin Brewery Co. Ltd.'s proposed acquisition of voting securities of Kirlin-Amgen, Inc.	Do.
(35) 84-0493—Dart & Kraft Inc.'s proposed acquisition of assets of Celestial Seasonings, Inc.	May 30, 1984.
(36) 84-0503—U.S. Shelter's proposed acquisition of voting securities of AmReal Corp.	Do.
(37) 84-0429—Tele-Communications Inc.'s proposed acquisition of assets of the Warner Cable Corp. of Pittsburgh (Warner Amex Cable Holding Co., UPE).	Do.
(38) 84-0452—Blue Cross of Maryland, Inc.'s proposed acquisition of Assets of Blue Shield of Maryland, Inc.	Do.
(39) 84-0467—Hecla Mining Co.'s proposed acquisition of voting securities and assets of Sunshine Mining Co.	Do.
(40) 84-0468—Hecla Mining Co.'s proposed acquisition of voting securities and assets of Sunshine Mining Co.	Do.
(41) 84-0422—Pay Less Drug Stores Northwest, Inc.'s proposed acquisition of assets of Pay'n Save Corp.	May 31, 1984.
(42) 84-0459—Brierley Investments Ltd's proposed acquisition of voting securities of the Higbee Co.	Do.
(43) 84-0488—Walt Disney Production's proposed acquisition of voting securities of Arvida Corp.	Do.
(44) 84-0478—Enserch Corp.'s proposed acquisition of voting securities of Planet Investment Corp., Hunt International Resources Corp. (Impel Energy Corp., UPE).	June 1, 1984.
(45) 84-0491—Bennett S. LeBow's proposed acquisition of assets of Johnson Matthey Jewelry Corp. (Johnson Matthey Public Ltd., Co., UPE).	May 30, 1984.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 84-15565 Filed 6-8-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Meeting

Correction

In FR Doc. 84-13891 beginning on page 21990 in the issue of Thursday, May 24, 1984, make the following correction:

On page 21990, third column, insert the following sentence before the second line from the botton: "This meeting will be held by a conference telephone call".

BILLING CODE 1505-01-M

[Docket No. 84D-0141]

Extra-Label Use of New Animal Drugs in Food-Producing Animals; Availability of a Compliance Policy Guide

Correction

In FR Doc. 84-13405 appearing on page 20915 in the issue of Thursday, May 17, 1984, make the following correction:

On page 20915, under "Supplementary Information", second line, "them isuse" should have read "the misuse".

BILLING CODE 1505-01-M

[Docket No. 80N-0276; DESI 7630]

Winstrol Tablets; Drugs for Human Use; Drug Efficacy Study Implementation, Revocation of Exemption; Followup Notice and Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

Correction

In FR Doc. 84-10779 beginning on page 17094 in the issue of Monday, April 23, 1984, make the following correction.

1. On page 17095, third column, third complete paragraph, eighth line, "SCOT" should have read "SGOT".

2. On page 17098, third column, second paragraph from the bottom, last line, "(NDA 12-855)" should have read "(NDA 12-885)".

BILLING CODE 1505-01-M

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory

committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Anesthesiology and Respiratory Therapy Devices Panel

Date, time, and place. July 11, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4 p.m.; Dr. Michael S. Gluck, Center for Devices and Radiological Health (formerly National Center for Devices and Radiological Health) (HFZ–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before July 3 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of the proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss supplemental premarket approval applications (PMA's) for design changes for transcutaneous carbon dioxide monitors, and will provide guidance for the evaluation of changes in ventilator design.

Orthopedic and Rehabilitation Devices Panel

Date, time, and place. July 11, 9 a.m., Rm. 503–529A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Robert E. Mansell, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7238.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before July 3 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications (PMA's) for a total knee system and a prosthetic ligament substitute.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings. This guideline was published in the **Federal Register** of April 13, 1984 (49 FR 14723). These procedures are primarily intended to expedite media access to FDA's public proceedings, including hearings before a public advisory committee conducted pursuant to Part 14 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the presentation of participants at a public hearing. Accordingly, all interested persons are directed to the guideline, as well as the **Federal Register** notice announcing issuance of the guideline, for a more complete explanation of the guideline's effect on public hearings.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: June 5, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–15512 Filed 6–8–84; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82P–0024 et al.]

Availability of Approved Variances for Laser Light Shows

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that variances from the performance standard for laser products have been approved by the Deputy Director, Center for Devices and Radiological Health (CDRH) for five organizations that manufacture and produce laser light shows, laser light show projectors, or both. The projector provides a laser light

display to produce a variety of special lighting effects. The principal use of these products is to provide entertainment to general audiences.

DATES: The effective dates and termination dates of the variances are listed in the table below under "Supplementary Information."

ADDRESS: The applications and all correspondence on the various applications have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tracy Summers, Center for Devices and Radiological Health (formerly National Center for Devices and Radiological Health) (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), each of the five organizations listed in the table below has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products.

Each variance permits the listed manufacturer to introduce into commerce a demonstration laser product, assembled and produced by the manufacturer, which is its particular variety of laser light show, laser light show projector, or both. Each involves levels of accessible laser radiation in excess of Class II levels but not exceeding those required to perform the intended function of the product.

Suitable means of radiation protection are provided by constraints on the physical and optical design, by warnings in the user manual and on the product, and by procedures for personnel who will operate the products. So that each product may show evidence of the variance approved for the manufacturer of that product, each product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) a variance number, which is the docket number, and the effective date of the variance as specified in the table below. By letter to each manufacturer, the Deputy Director of CDRH approved the requested variances.

Docket No.	Manufacturing organization	Demonstration laser product	Effective date and termination date
82P–0024 (amendment)	Sculptured Light by Fontes, 6532 Knott Avenue, El Cerrito, Calif. 94530.	Sculptured Light 4553 Class III HeNe laser projector and laser light shows or displays assembled and produced by Sculptured Light by Fontes incorporating this projector.	June 3, 1982 to June 1, 1985.
83V–0132	White Water Development Corp., P.O. Box 377, Watkins Glen, N.Y. 14891.	White Water Development Corp. Laser Light Show incorporating Image Engineering's model 350 WWD laser projector.	Mar. 14, 1984 to Mar 14, 1986.
83V–0175	Laser Rays Art Production, 772 San Carrizo Way, Mountain View, Calif. 94043.	Laser Light Shows assembled and produced by Laser Rays Art Production incorporating their Class IV ion laser projection system.	Mar. 13, 1984 to Mar 13, 1986.
83V–0344	Highway Missionary Society, a.k.a. Servant, P.O. Box 669, Wilderville, Oreg. 97543.	Highway Missionary Society, a.k.a. Servant Laser Light Shows incorporating Coherent Innovations Rainbow Laser projectors.	Mar. 14, 1984 to Mar 14, 1986.
84V–0063	Associates and Ferren, Wainscott Northwest Road, Wainscott, N.Y. 11975.	Associates and Ferren Laser Light Shows incorporating the firm's model 1 Laser Effects System.	Mar. 30, 1984 to Mar 30, 1986.

In accordance with § 1010.4, the applications and all correspondence (including the written notice of approval) on the various applications have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 5, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–15510 Filed 6–8–84; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83P–0058]

Molectron Corp.; Availability of Approved Variance for a Neodymium Yttrium-Aluminum Garnett (Nd:YAG)Laser Product

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a variance from the performance standard for laser products has been approved by the Deputy Director, Center for Devices and Radiological Health (formerly National Center for Devices and Radiological Health) for the Molectron Model 8000 Nd:YAG Laser Coagulator. The medical laser product is used in a variety of surgical procedures.

DATES: The variance became effective October 26, 1983, and ends October 26, 1988.

ADDRESS: The application and all correspondence associated with the variance request have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tracy Summers, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), Molectron Corp. has been granted a variance from § 1040.10(f)(i)(*b*) CFR 1040.10(f)(2)(i)(*b*)) of the performance standard for laser products for the Molectron Model 8000 Nd:YAG Laser Coagulator. In addition, under § 1040.10(g)(10) relief has been granted from the labeling requirements of § 1040.11(a)(3) (21 CFR 1040.11(a)(3)) of the performance standard for specific purpose medical laser products. These actions allow the distribution for investigational use of the Molectron Model 8000 Nd:YAG Laser Coagulator so long as there is in effect for the product an investigational device exemption in accordance with FDA regulations (21 CFR Part 812) issued under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

The Molectron Model 8000 Nd:YAG Laser Coagulator is a medical laser product as defined in § 1040.10(b)(22) of the performance standard for laser products and is subject to the requirements of § 1040.11(a) of the performance standard for specific purpose laser products. The Class IV Nd:YAG laser provides radiation through interchangeable, flexible, fiber optic lightguide systems for surgical cutting and coagulation action. The product also incorporates an aiming beam to provide an indication of the target point.

The Deputy Director has determined, in accordance with § 1010.4(a)(2), that the product is intended for a special purpose for which one or more requirements of the applicable standard would not be appropriate. The Deputy Director has determined that § 1040.10(f)(2)(i)(*b*), which precludes removal or displacement of a removable protective housing upon safety interlock failure, is not appropriate for the product because interchangeability of fiber optic lightguides can be essential to the successful completion of a surgical procedure despite interlock system failure.

The Deputy Director has also determined, in accordance with § 1040.10(g)(10), that the small size of the distal end of the fiber optic lightguide through which the laser radiation exits the medical product precludes compliance with the requirements of § 1040.11(a)(3) and has approved alternate location and wording for the Molectron Model 8000 Nd:YAG Laser Coagulator aperture label.

Suitable means of radiation protection are provided by the existing equipment design and by the requirement for the addition of a special hazard warning label on the product. Therefore, on October 26, 1983, FDA approved the requested variance by letter to the manufacturer from the Deputy Director, Center for Devices and Radiological Health. The product shall bear the variance number 83P–0058.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 5, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–15511 Filed 6–8–84; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82P–0208]

Technicare Corp., Mobile Digital Receptor; Approval of Variance and Its Extension

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Center for Devices and Radiological Health has approved a variance and a 5-year extension of that variance from the performance standard for fluoroscopic equipment for the stand-alone Mobile Digital Receptor manufactured by Technicare Corp. The product is intended for use as the image receptor component in radiographic and fluoroscopic X-ray systems.

DATES: The variance became effective December 3, 1982, and ended December 3, 1983. The extension of the variance became effective December 3, 1983, and ends December 3, 1988.

ADDRESS: The applications for the variance and its extension and all related correspondence have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tracy Summers, Center for Devices and Radiological Health (formerly National Center for Devices and Radiological Health) (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Technicare Corp., P.O. Box 5130, Cleveland, OH 44101, has been granted a variance and a 5-year extension of that variance from that portion of § 1020.32(a)(1) (21 CFR 1020.32(a)(1)) which provides that the X-ray tube used in fluoroscopy shall not produce X-rays unless the primary protection barrier is in position to intercept the entire useful beam, and from that portion of the provision of § 1020.32(b)(2) which requires the equipment to have a means to limit positively the size of the X-ray field in the plane of the image receptor. All other provisions of § 1020.32 and of the standard remain applicable to the fluoroscopic product. The variance permits the manufacturer to introduce into commerce the fluoroscopic product known as the stand-alone Mobile Digital Receptor.

FDA has determined that part of the requirements of the performance standard for fluoroscopic equipment is not appropriate for the X-ray system consisting of the assembly of the overhead source, the stand-alone Mobile Digital Receptor, and digital processing equipment. The assembly is intended for a special purpose that cannot be performed or accomplished with equipment meeting all requirements of the applicable standard. The system has less radiation safety built in than would an assembly that complied with the standard. Under FDA's rationale for granting the variance, suitable means of achieving radiation safety equivalent to those found in a product that complies with the standard are to be found not principally in the design of the product but, rather, primarily in adhering to adequate operator instructions provided by the manufacturer. FDA has reviewed the operator's manual submitted as a supplement to the variance petition and has concluded that it constitutes a set of instructions that are adequate for the safe use of the X-ray system components selected. The product shall bear the Variance No. 82P–0208.

By letter of December 3, 1982, the Acting Director of the then Office of Radiological Health, National Center for Devices and Radiological Health, approved the requested variance, which was effective on that date and terminated on December 3, 1983. By letter of March 6, 1984, the Deputy Director of the Center for Devices and Radiological Health approved a requested extension of the variance. The extension was effective on December 3, 1983, and terminates December 3, 1988.

In accordance with § 1010.4 (21 CFR 1010.4), the application for the variance, the application for an extension of the variance, and all correspondence (including the written notices of the approval) on these applications have been placed on public display in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 5, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–15513 Filed 6–8–84; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83M–0004]

St. Jude Medical® Cardiac Valve; Hearing Before Advisory Committee on Petition for Reconsideration of Premarket Approval; Extension of Time To Submit Nominations

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is extending by 30 days the time to submit nominations for members of an advisory committee to be formed to consider the agency's approval of the St. Jude Medical® Cardiac Valve. This extension is to assure that interested persons have sufficient time to contact potential nominees and to submit written nominations to the agency.

DATE: Wrtten nominations by July 13, 1984.

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

FOR FURTHER INFORMATION CONTACT: Timothy C. Sottek, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 14, 1984 (49 FR 20378), FDA announced its intention to hold a hearing, pursuant to 21 U.S.C. 360e(g)(2) and 21 CFR Part 14, before an advisory committee to be formed to reconsider the agency's approval of the St. Jude Medical® Cardiac Valve. In the same notice, the agency requested nominations of qualified individuals to serve as committee members. Interested persons were given until June 13, 1984, to submit written nominations.

After publication of the notice announcing FDA's decision to establish this advisory committee, the Commissioner of Food and Drugs determined that, to assure that sufficient nominations of qualified individuals were received to allow him to make an informed selection for members of the committee, it would be appropriate to provide the May 14, 1984, notice directly to various professional organizations (such as the American College of Physicians) and to request specifically that these organizations consider submitting nominations for committee members. In all, 16 organizations were contacted. Copies of the letters requesting nominations are on file in FDA's Dockets Management Branch (**ADDRESS** above) under Docket No. 83M–0004 and may be reviewed by members of the public between 9 a.m. and 4 p.m., Monday through Friday.

To provide these organizations, as well as other interested members of the public, with sufficient time to seek out qualified individuals and to nominate them, the Commissioner has determined that it would be appropriate, and in the public interest, to extend the time period for nominations by 30 days. Accordingly, written nominations for advisory committee members shall be submitted to FDA's Dockets Management Branch at the address above by July 13, 1984.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominee shall be included with the nomination. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the committee, and appears to have no conflict of interest. FDA will ask potential candidates to provide detailed information concerning financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflict of interest.

Additional information about this proceeding will be published in a future **Federal Register** notice, including announcement of the date, time, and place of the advisory committee meeting.

Dated: June 7, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–15758 Filed 6–6–84; 10:14 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Determination for Federal Acknowledgment of the Poarch Band of Creeks

June 4, 1984.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(h), notice is hereby given that the Assistant Secretary acknowledges that the Poarch Band of Creeks, c/o Mr. Eddie L. Tullis, Route 3, Box 243–A, Atmore, Alabama 36502, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group satisfies the criteria set forth in 25 CFR 83.7.

Evidence indicates that the contemporary Poarch Band of Creeks is a successor of the Creek Nation of Alabama prior to its removal to Indian Territory. The Creek Nation has a documented history back to 1540. Ancestors of the Poarch Band of Creeks began as an autonomous town of half-bloods in the late 1700's with a continuing political connection to the Creek Nation. The Poarch Band remained in Alabama after the Creek Removal of the 1830's, and shifted within a small geographic area until it settled permanently near present-day Atmore, Alabama.

The Band has existed as a distinct political unit since before the Creek War of 1813–14. It was governed by a succession of military leaders and prominent men in the 19th century. From the late 1800's through 1950, leadership was clear but informal. A formal leader was elected in 1950.

The group's bylaws describe how membership is determined and how the group governs its affairs and its members. Virtually all of the Band's 1,470 members can document descendancy from the historic Creek Nation and appear to meet the group's membership requirements. Intermarriage within the group has occurred to such an extent over the years that family lines present in the Poarch community are now extremely intertwined and many members trace their ancestry to more than one established Creek ancestor.

No evidence was found that the members of the Poarch Band of Creeks are members of any other Indian tribes or that the tribe or its members have been the subject of Congressional legislation which has expressly terminated or forbidden a relationship with the Federal Government.

A proposed finding that the Poarch Band of Creeks exists as an Indian tribe was published on page 1141 of the **Federal Register** on Januray 9, 1984. Interested parties were given 120 days in which to submit factual and legal arguments to rebut the evidence used to support the finding that the Poarch Band of Creeks exists as an Indian tribe. During this period two comments were received. These comments did not oppose Federal acknowledgment of the Poarch Band of Creeks, but rather took exception to the tribe's designation of ancestors and members who appeared as "Indian" on the tribe's source documents, used for determining tribal membership eligibility, as full-bloods, especially in light of outside historical as well as self-identification as a half-blood or mixed-blood Indian community. Source documents used are an 1870 and two 1900 Federal population census scheduls which list individuals as Indian. Comments focused on what was incorrectly perceived by the commentors as the report's acceptance of blood degrees, computed by the tribe for tribal membership purposes, as factual. The tribe made no representations that blood quantums generated were for anything other than tribal membership purposes, neither did the report.

While eligibility for benefits under some Federal statutes is limited to tribal members with a certain blood degree, Federal law imposes no general blood degree requirement for tribal membership. Moreover, Federal regulations for determining eligibility for acknowledgment as a tribe (25 CFR Part 83) do not contain a blood quantum requirement. Blood quantum statistics concerning the Poarch Band of Creeks which are found within the proposed finding, specifically on page 7 of both the memorandum of recommendation

and its attached genealogical technical report, are solely for tribal membership purposes. Once acknowledged under 25 CFR Part 83, the Bureau's Tribal Enrollment staff will provide specific guidance in computing more factual blood quantums of persons named on the tribe's basic membership roll for use in certifying individual members for Federal purposes. Blood quantums computed for tribal purposes may not necessarily agree with those computed for Federal purposes.

No factual evidence not already considered was provided in the two comments received. The comments were considered but were determined to have no effect on the findings of fact or the decision to recommend the tribe for Federal acknowledgment.

The determination is final and will become effective 60 days from the date of publication, unless the Secretary of the Interior requests the determination be reconsidered pursuant to 25 CFR 83.10.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 84-15480 Filed 6-8-84; 8:45 am]

BILLING CODE 4310-02-M

California Indian Task Force Meetings

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: Notice of these meeting is hereby given in accordance with the Federal Advisory Committee Act. This notice also sets forth the proposed agenda of the forthcoming meetings.

DATE: The meetings will begin at 9:00 a.m.

ADDRESS: The meetings will be held at the Stardust Hotel and Country Club, 950 Hotel Circle North, San Diego, California, on June 19 and 20, 1984; and at the Ramada Inn, 4975 Valley West Boulevard, Arcata, California, on July 9 and 10, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Maurice W. Babby, California Indian Task Force Chairman, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825 [(916)–484–4682].

SUPPLEMENTAL INFORMATION: The first day of both meetings will be reserved for Task Force discussion of issues, subcommittee reports, and assignments of tasks. The last day of both meetings, written and oral testimony will be received from tribes, individuals, and Indian organizations from within the Northern California Agency at the Arcata meeting and from within the Southern California Agency at the San Diego meeting on critical Indian issues.

These meetings are open to the public. Space and facilities to accommodate members of the public are limited, and persons will be accommodated on a first-come-first-served basis after space has been reserved for elected tribal officials. Any member of the public may file with the Task Force a written statement concerning matters to be discussed. Persons wishing further information concerning this meeting or who wish to submit written statements may contact the California Indian Task Force Chairman, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825 [(916)–484–4682].

Summary minutes of the meetings will be available for public inspection 10 to 12 weeks after the meetings in Room 2550, 2800 Cottage Way, Sacramento, California.

Dated: June 6, 1984.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 84-51552 Filed 6-8-84; 8:45 am]

BILLING CODE 4310-02-M

Restoration of Federal Status to 17 California Rancherias

This notice is published pursuant to the Order issued December 22, 1983, in *Tillie Hardwick* v. *United States* Civil No. C–79–1910–SW, United States District Court for the North District of California.

The seventeen Rancherias which are the subject of the notice are as follows: Big Valley Rancheria, Lake County; Blue Lake Rancheria, Humboldt County; Buena Vista Rancheria, Amador County; Chicken Ranch Rancheria, Tuolumne County; Cloverdale Rancheria, Sonoma County; Elk Valley Rancheria, Del Norte County; Greenville Rancheria, Plumas County; Mooretown Rancheria, Butte County; North Fork Rancheria, Madera County; Picayune Rancheria, Madera County; Pinoleville Rancheria, Mendocino County; Potter Valley Rancheria, Medocino County; Quartz Valley Rancheria, Siskiyou County; Redding Rancheria, Shasta County; Redwood Valley, Mendocino County; Rohnerville Rancheria, Humboldt County; and Smith River Rancheria, Del Norte County.

Plaintiffs and class members of the seventeen Rancherias named above are relieved from the application of sections 2(d) and 10(b) of the Act of August 18, 1958, 72 Stat. 619, as amended by the Act of August 11, 1964, 78 Stat. 390, and shall be deemed entitled to any of the benefits or services provided or performed by the United States for Indians because of the status as Indians, if otherwise qualified under applicable laws and regulations.

The Indian tribes, bands, communities or groups of the seventeen Rancherias named above are Indian entities with the same status as they possessed prior to distribution of the assets of these Rancherias, are relieved from the application of section 11 of the Act of August 18, 1958, 72 Stat. 619, as amended by the Act of August 11, 1964, 78 Stat. 390, and shall be deemed entitled to any of the benefits or services provided or performed by the United States for Indian tribes, bands, communities or groups because of their status as Indian tribes, bands, communities or groups.

The Distribution Plans for the seventeen Rancherias named above are of no further force and effect and shall not be further implemented, provided, however, that this provision shall not affect any vested rights created under the Distribution Plans.

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 84-15524 Filed 6-8-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Rock Springs District Grazing Advisory; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Rock Springs District Grazing Advisory Board.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Rock Springs District Grazing Advisory Board.

DATE: July 26, 1984, 10:00 a.m. until 4:30 p.m.

ADDRESS: Rock Springs District Conference Room, Highway 191 North, Rock Springs, Wyoming.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901, (307–382–5350).

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Election of a Chairman and Vice Chairman.
2. Review of minutes from January 19, 1984 meeting.

3. Presentation of preliminary range improvement projects planned for Fiscal Year 1985.
4. Presentation on the Kemmerer Resource Management Plan.
5. Discussion of the allotments nominated for Cooperative Management Agreements.
6. Update on the wild horse gathering progress.
7. Status report on the assignment of range improvement maintenance.
8. Public comment period.
9. Arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 1:00–1:30 p.m., or file written statements for the Board's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Highway 191 North, P.O. Box 1869, Rock Springs, Wyoming 82901, by July 13, 1984. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Gene C. Herrin,

Associate District Manager.

[FR Doc. 84-15526 Filed 6-8-84; 8:45 am]

BILLING CODE 4310-22-M

[ES-33533, Group 77]

Arkansas; Filing of Plat of Dependent Resurvey

June 4, 1984.

1. The plat of the dependent resurvey of the north boundary (Standard Parallel North), a portion of the south boundary, the east and west boundaries, and a portion of the subdivisional lines, T. 13 N., R. 22 W., Fifth Principal Meridian, Arkansas, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on July 19, 1984.

2. The dependent resurvey was made at the request of the United States Forest Service.

3. All inquiries or protests concerning the technical aspects of the dependent resurvey must be sent to the Deputy State Director for Cadastral Survey, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., July 19, 1984.

4. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey.

[FR Doc. 84-15583 Filed 6-8-84; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-33532, Group 164]

Florida; Filing of Plat of Dependent Resurvey and Survey of Omitted Lands

June 4, 1984.

1. The plat of the dependent resurvey of a portion of the subdivisional lines, the reestablishment of a portion of the original meander lines, a survey of omitted lands in sections 9, 10, 15, and 16, and meanders of portion of Lake Marion, T. 28 S., R. 28 E., Tallahassee Meridian, Florida, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on July 19, 1984.

2. This survey was executed in compliance with an application for survey of omitted lands submitted by John F. Ring, President of GAC Properties, Inc., 7880 Biscayne Boulevard, Miami, Florida 33138.

3. All inquiries or protests concerning the legal determination to perform the survey of omitted lands or concerning the technical aspects of either the dependent resurvey or the survey of omitted lands must be sent to the Deputy State Director for Cadastral Survey, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., July 19, 1984.

4. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey.

[FR Doc. 84-15582 Filed 6-8-84; 8:45 am]

BILLING CODE 4310-GJ-M

[CO-070-031]

Colorado State Office; Wilderness Intensive Inventory

AGENCY: Bureau of Land Management, Colorado State Office.

ACTION: Notice of Final Decision, South Shale Ridge Intensive Inventory Unit.

SUMMARY: In a decision announced June 1, 1984, the Acting Director for Colorado determined that the South Shale Ridge Intensive Inventory Unit (CO-070-031) does not qualify as a wilderness study area because it lacks outstanding opportunities for solitude and primitive, unconfined recreation.

DATE: Those wishing to appeal this decision to the Interior Board of Land Appeals, must file a Notice of Appeal within 30 days of publication of this notice.

ADDRESS: Notice of Appeal should be filed with:

State Director, Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, CO 80202

If a Statement of Reasons for the appeal is not filed with the Notice of Appeal, this Statement of Reasons must be filed within 30 days of filing the Notice of Appeal with:

U.S. Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Boulevard, Arlington, VA 22203

Additional information: Copies of all documents filed in connection with an appeal must be served on the Regional Solicitor, U.S. Department of the Interior, Post Office Box 25007, Denver Federal Center, Denver, Colorado 80225, and proof of that service must be filed with the Board of Land Appeals (address above) within 15 days after such service. This proof may consist of a certified or registered mail "return receipt" card signed by the Regional Solicitor. Failure to follow these procedures and the regulation in Title 43, Code of Federal Regulations, Part 4, Subpart E, may subject an appeal to summary dismissal.

FOR FURTHER INFORMATION CONTACT: Wade Johnson, Wilderness Coordinator, Grand Junction District, (303) 243-6552.

Dated: June 1, 1984.

Bob Moore,

Acting State Director.

[FR Doc. 84-15580 Filed 6-8-84; 8:45 am]

BILLING CODE 4310-JB-M

Vale District; Meeting

A public meeting will be held Monday, July 9 to discuss the use of helicopters in gathering horses from the Pot Holes Wild Horse Herd. All 20 horses in the herd area are planned to be removed from public lands.

The meeting will be held at 11:00 a.m. in the Conference Room of the Vale District Office, 100 East Oregon Street, Vale, Oregon 97918.

Fearl M. Parker,

District Manager.

[FR Doc. 84-15666 Filed 6-7-84; 3:26 pm]

BILLING CODE 4310-33-M

District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Ely

District Advisory Council will be held on Tuesday, July 10, 1984.

The Advisory Council will tour the Spring and Antelope Valleys and the Antelope Range area located in the northeastern portion of the Schell Resource Area. The Ely District Grazing Advisory Board will join the Council in this tour conducted by BLM personnel for a first-hand view of the area on which activity plans are being developed.

Tour participants will convene at the Henriod Ranch in Spring Valley, on the east side of Schellbourne Pass, in time for a scheduled 9:00 a.m. departure and are expected to return by 4:00 p.m. Transportation and lunch will be provided for Council and Board members.

Members of the public are invited to accompany the advisory group, but must provide their own transportation and food. The lunch to be provided for the tour may be purchased for a fee of $5.00 if members of the public do not wish to provide their own.

For further information and lunch reservations which must be made before July 2, 1984, contact Cleone McDonald at (702) 289–4865.

DATE: July 10, 1984.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

Dated: June 1, 1984.

Merrill L. DeSpain,

District Manager.

[FR Doc. 84–15521 Filed 6–8–84; 8:45 am]

BILLING CODE 4310–HC–M

District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Ely District Grazing Advisory Board will be held on Tuesday, July 10, 1984.

The Grazing Advisory Board will tour the Spring and Antelope Valleys and the Antelope Range area located in the northeastern portion of the Schell Resource Area. The Ely District Advisory Council will join the Grazing Advisory Board in this tour conducted by BLM personnel for a first-hand view of the area on which activity plans are being developed.

Tour participants will convene at the Henriod Ranch in Spring Valley, on the east side of Schellbourne Pass, in time for a scheduled 9:00 a.m. departure and are expected to return by 4:00 p.m. Transportation and lunch will be provided for Council and Board members.

Members of the public are invited to accompany the advisory group, but must provide their own transportation and food. The lunch to be provided for the tour may be purchased for a fee of $5.00 if members of the public do not wish to provide their own.

For further information and lunch reservations which must be made before July 2, 1984, contact Kathy Lindsey at (702) 289–4865.

DATE: July 10, 1984.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

Dated: June 1, 1984.

Merrill L. DeSpain,

District Manager.

[FR Doc. 84–15522 Filed 6–8–84; 8:45 am]

BILLING CODE 4310–HC–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the Main Pass Block 40 Federal Unit Agreement No. 14–08–001–3847, submitted on May 25, 1984, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Main Pass Block 40 Federal unit

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised §250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 4, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–15523 Filed 6–8–84; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Potential 1985 U.S. World Heritage Nominations

AGENCY: National Park Service, Interior.

ACTION: Notice and request for public Comment.

SUMMARY: On February 23, 1984, the Department of the Interior, through the National Park Service, set forth in a public notice the process and schedule that will be used in calendar year 1984 to identify and prepare U.S. nominations to the World Heritage List (49 FR 6805). In addition, the February 23 notice identified the criteria and requirements that U.S. properties must satisfy before nomination for World Heritage status, and solicited public comments and suggestions regarding cultural and natural properties that should e considered as potential U.S. nominations this year. This notice announces and invites comment on the two cultural and three natural properties described below that have been identified as potential 1985 U.S. World Heritage nominations.

In addition, responses to the February 23 notice identified properties which are not presently included on the U.S. Indicative Inventory of Potential Future Nominations to the World Heritage List; normally a prerequisite to be considered for nomination. Due to the lateness of comments received on these properties, the Department will continue to study the properties in question regarding their suitability for possible addition to the U.S. Indicative Inventory. The Federal Interagency Panel for World Heritage will review the properties at its July meeting and will make final recommendations regarding possible additions to the Inventory. Proposed additions to the Inventory will be announced in the **Federal Register** with a request for review and comment.

DATES: Written comments or recommendations regarding any property listed herein as a potential 1985 U.S. World Heritage nomination must be received within 30 days after

publication of this notice to ensure full consideration. The final list of proposed 1985 nominations will be selected from among the potential nominations, and will be published in the **Federal Register**. A draft nomination document will be prepared for any property selected as a proposed nomination. In November 1984, the Federal Interagency Panel for World Heritage will review the accuracy and completeness of the draft 1985 nomination(s) and will make recommendations to the Assistant Secretary of the Interior for Fish and Wildlife and Parks. The Assistant Secretary subsequently transmits any approved nomination(s) on behalf of the United States to the World Hertiage Committee Secretariat, through the Department of State, by December 15 for evaluation by the World Heritage Committee in a process that could lead to inscription on the World Heritage List by fall 1985. Notice of transmittal of U.S. nominations will be published in the **Federal Register**.

Final decisions with regard to possible additions to the U.S. Indicative Inventory will be based upon comments received and upon further study and will be announced in the final **Federal Register** notice, as outlined above, of this year's procedure.

ADDRESS: Written comments or recommendations should be sent to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Attention: World Heritage Convention-773.

FOR FURTHER INFORMATION CONTACT: Mr. David G. Wright, Associate Director, Planning and Development, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, telephone: (202/343-6741).

SUPPLEMENTARY INFORMATION: The Convention concerning Protection of the World Cultural and Natural Heritage, now ratified by the United States and 82 other countries, has established a system of international cooperation through which cultural and natural properties of outstanding universal value to mankind may be recognized and protected. The Convention seeks to put into place an orderly approach for coordinated and consistent heritage resource protection and enhancement throughout the world.

Participating nations identify and nominate their sites for inclusion on the World Heritage List, which currently includes 165 cultural and natural properties. The World Heritage Committee judges all nominations against established criteria. Under the Convention, each participating nation assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, and rehabilitation of World Heritage properties situated within its borders.

In the United States, the Department of the Interior is responsible for directing and coordinating U.S. participation in the World Heritage Convention. The Department implements its responsibilities under the Convention in accordance with the statutory mandate contained in Title IV of the National Historic Preservation Act Amendments of 1980 (Pub. L. 96-515; 16 U.S.C. 470a-1, a-2). On May 27, 1982, the Interior Department published in the **Federal Register** the policies and procedures which it uses to carry out this legislative mandate (47 FR 23392). The rules contain additional information on the Convention and its implementation in the United States, and identify the specific requirements that U.S. properties must satisfy before they can be nominated for World Heritage status, i.e., the property must have previously been determined to be of national significance, its owner must concur in writing to its nomination, and its nomination must include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment.

The Federal Interagency Panel for World Heritage assists the Department in implementing the Convention by making recommendations on U.S. World Heritage policy, procedures, and nominations. The Panel is chaired by the Assistant Secretary for Fish and Wildlife and Parks, and includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; National Oceanic and Atmospheric Administration, Department of Commerce; Forest Service; Department of Agriculture; and the Department of State.

Potential 1985 U.S. World Heritage Nominations

The Department of the Interior, through the National Park Service, has identified the following two cultural and three natural properties as potential 1985 U.S. nominations to the World Heritage List. Each of these properties is included on the Indicative Inventory of Potential Future U.S. World Heritage Nominations, published in the **Federal Register** on May 6, 1982 (47 FR 19648), and amended in (48 FR 38100). A brief description is provided for each property, along with the World Heritage criteria that it appears to satisfy. The final list of proposed 1985 U.S. nominations to the World Heritage List will be selected from among the potential nominations included herein. Identification of a property as a potential 1985 nomination does not confer World Heritage status on it. A draft nomination document will be prepared for each property that is ultimately selected as a proposed 1985 nomination. The Department encourages all interested parties to comment and make recommendations on the potential nominations, as these comments and additional evaluation will serve as the basis for identifying proposed 1985 nominations.

The following cultural properties, arranged alphabetically by theme, and natural properties, arranged alphabetically by natural region, have been identified as potential 1985 U.S. World Heritage nominations:

I. Cultural Properties

Developed Agriculture

CHACO CULTURE NATIONAL HISTORICAL PARK, New Mexico. (36°10' N.; 108°0 W.) This property bears testimony to the first five periods of the Chacoan variant and one period of the Mesa Verdean variant of the Pueblo civilization. Chaco Canyon is a large canyon which contains approximately 1,100 ruins including 13 major Pueblo Indian villages. These villages consist of 3-5 story buildings which often contain over 1,000 rooms. The ceremonial complex consisting of the large villages is dated between A.D. 1,110 and 1,300 and clearly demonstrates the cultural links between the Mesoramerican cultures and the Pueblo Indians of the Southwestern United States. *Criteria:* (ii) Exerted great influence over a span of time and within a cultural area of the world on developments in town-planning, and (iii) bears a unique testimony to a civilization which has disappeared.

Hawaiian

PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK, Hawaii. (19°25' N.; 155°55' W.) This area (formerly known as City of Refuge National Historical Park) includes

sacred ground, where vanquished Hawaiian warriors, noncombatants, and kapu breakers were granted refuge from secular authority. Prehistoric housesites, royal fishponds, and spectacular shore scenery are features of the park. *Criteria:* (v) an outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.

II. Natural Properties

Cascade Range

CRATER LAKE NATIONAL PARK, Oregon. (42°55′ N.; 122°06′ W.) This unique, deep blue lake lies at the center of Mount Mazama, an ancient volcanic peak that collapsed centuries ago. The lake is bounded by multicolored lava walls extending 500 to 2000 feet above the lake's waters. *criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Hawaiian Islands

HAWAII VOLCANOES NATIONAL PARK, Hawaii. (19°20′ N.; 155°20′ W.) This site contains outstanding examples of active and recent volcanism, along with luxuriant vegetational development at its lower elevations. The area has been designated a Biosphere Reserve. *Criteria:* (i) An outstanding example illustrating the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Rocky Mountains

GLACIER NATIONAL PARK, Montana. (48°40′ N.; 113°50′ W.) With mountain peaks exceeding 10,000 feet, this site includes nearly 50 glaciers, many lakes and streams and a wide variety of wild flowers and wildlife, including bighorn sheep, bald eagles and grizzly bears. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Dated: June 1, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-15585 Filed 6-8-84; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-201)]

Burlington Northern Railroad Co.—Abandonment—in Whitman County, WA and Nez Perce and Latah Counties, ID; Findings

The Commission issued a certificate authorizing Burlington Northern Railroad Company to abandon its line of railroad extending from milepost 0.00 near Pullman Junction, WA, to milepost 27.66 near Genesee, ID, a distance of 27.66 miles in Whitman County, WA, and Nez Perce and Latah Counties, ID. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,

Secretary.

[FR Doc. 84-15548 Filed 6-8-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Information Collections Under Review

June 6, 1984.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96–511 applies; (10) The name and telephone number of the person or office responsible for OMB review. Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer Larry E. Miesse—202–633–4312

Revision of a New Collection Currently Awaiting Approval

- Bureau of Justice Statistics, Department of Justice

National Crime Survey Screener Prototype Test

One time

Individuals or households

The use of this test will allow comparisons of three different approaches to eliciting reports of crime victimization and will be used to prepare portions of a revised National Crime Survey. The sample will consist of residents of private households with telephones in the Peoria, Illinois, area, mixed with a police record sample from the Peoria police departments; 2,200 respondents; 1,300 hours; not applicable under 3504(h)

Robert Veeder—395–4814

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

- Drug Enforcement Administration, Department of Justice

U.S. Official Order Forms For Schedules I & II Controlled Substances (DEA–222) Accountable Forms, Order Form Requisition For Schedules I & II Controlled Substances (DEA–222a)

On occasion

Individuals or households, State or local governments, Businesses, Federal agencies

DEA 222 is used to transfer or purchase Schedule I & II controlled substances.

Order form data is needed to provide an audit of the transfer and purchase of Schedule I & II controlled substances. DEA 222a, requisition form, is used to obtain DEA 222 order forms. Respondents are: practitioners, hospitals, pharmacies, teaching institutions, manufacturers, distributors, importers, exporters, researchers, analytical laboratories, and narcotic treatment programs: 404,000 respondents; 101,000 hours; not applicable under 3504(h).

Robert Veeder—395–4814.

• Drug Enforcement Administration, Department of Justice

Registrants Inventory of Drugs Surrendered (DEA–41)

On occasion

Businesses or other for-profit

21 CFR § 1307.21 requires that any registrant desiring to voluntarily dispose of controlled substances shall list these controlled substances on DEA Form 41 and submit three copies to the nearest office of the Drug Enforcement Administration in their area. The form is the primary method used to account for surrendered/destroyed controlled substances. Its use is mandatory: 30,000 respondents; 10,000 hours; not applicable under 3504(h).

Robert Veeder—395–4814.

• Drug Enforcement Administration, Department of Justice

Application for Individual Manufacturing Quota for a Basic Class of Controlled Substance (DEA–189)

Annually

Businesses or other for-profit

21 CFR § 1303.22 requires that an applicant who desires to manufacture a quantity of any basic class of controlled substances that are listed in Schedules I & II, apply on DEA Form 189. The information is used by the Drug Enforcement Administration to calculate the individual manufacturing quotas for U.S. companies in the manufacture of controlled substances: 22 respondents; 40 hours; not applicable under 3504(h).

Robert Veeder—395–4814.

• Drug Enforcement Administration, Department of Justice

ARCOS Transaction Reporting (DEA–333)

Quarterly

Businesses or other for-profit

The data collection is necessary for the United States to meet its obligations under two international treaties: the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances. The treaties require information on the manufacture and consumption of certain substances. The information tracks the substances from point of sale or disposition to the dispensing level. Affected public is manufacturers and distributors of selected controlled substances: 617 responses; 2,468 hours; not applicable under 3504(h).

Robert Veeder—395–4814.

• Drug Enforcement Administration, Department of Justice

Controlled Substances Import/Export Declaration (DEA–236)

On occasion

Businesses or other for-profit

DEA–236 provides the Drug Enforcement Administration with control measures over the importation and exportation of controlled substances, as required by both domestic and international drug control laws. Affected public consists of businesses or other for-profit organizations: 200 respondents; 1,000 hours; not applicable under 3504(h).

Robert Veeder—395–4914.

Larry E. Miesse,

Agency Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, U.S. Department of Justice.

[FR Doc. 84–15559 Filed 6–8–84; 8:45 am]

BILLING CODE 4410–01–M

Office of the Attorney General

[Order No. 1057–84]

President's Commission on Organized Crime: Meetings

AGENCY: Office of the Attorney General, Department of Justice.

ACTION: Notice.

SUMMARY: This notice announces four forthcoming meetings of the President's Commission or Organized Crime. This notice also sets forth a summary of the agenda for the four meetings, together with an explanation of why the first meeting will be closed to the public. Notice of these meetings is required by the Federal Advisory Committee Act, 5 U.S.C. App. I, section 10(a)(2).

DATES: June 26, 1984, 11:00 a.m. to 2 p.m. (closed meeting).

June 27, 1984, 10:00 a.m. to 1:00 p.m. (public hearing).

June 28, 1984, 10:00 a.m. to 1:00 p.m. (public hearing).

June 29, 1984, 10:00 a.m. to 1:00 p.m. (public hearing).

ADDRESSES: The Beverly Wilshire Hotel, the Burgundy Room, 9500 Wilshire Boulevard, Bererly Hills, California 90212 (closed meeting); The Beverly Wilshire Hotel, The Ballroom, 9500 Wilshire Boulevard, Beverly Hills, California 90212, (June 27 and 28, public hearings); The Beverly Wilshire Hotel, Le Grand Trianon, 9500 Wilshire Boulevard, Beverly Hills, California 90212 (June 29, public hearing).

FOR FURTHER INFORMATION CONTACT: James D. Harmon, Jr., Executive Director and Chief Counsel, President's Commission on Organized Crime, 1425 K Street, NW ., Suite 700, Washington, D.C. 20005; (202) 786–3515.

SUPPLEMENTARY INFORMATION: The closed meeting on June 26 will be conducted to discuss several matters. First, the Commission will be briefed concerning the investigation by the Commission staff of the organized criminal groups whose illegal activities are to be described at the public hearings. This briefing is likely to include repreated reference to specific individuals who are confidential sources for the Commission, or who are alleged to be direct participants in illegal activities but whose participation will not specifically be discussed by witnesses at the public hearing, whose physical safety could be placed in jeopardy if the identities of the witnesses and the time and place of their testimony were to be made pubic in advance of the public hearings. These discussions are exempted from the public meeting requirements of the Federal Advisory Committee Act by 5 U.S.C. 552b(c) (5) and (7) (C), (D), and (F).

The Commission will also discuss a number of issues relating to internal personnel practices. It will determine, for example, the extent to which the Commission will be authorized to hire additional personnel as consultants, contractors, or experts on a short-term basis, as well as the circumstances under which individual members of the Commission may obtain the assistance of persons with whom they are professionally affiliated, in dealing with Commission matters of a confidential or sensitive nature. This discussion is exempted from the public meeting requirements of the Federal Advisory Committee Act by 5 U.S.C. 552b(c)(2).

The June 27, 28 and 29 meetings, which are open to the public and press, are for the purpose of receiving testimony concerning the activities conducted by organized criminal groups in the United States operating as part of a network extending to Asia and Europe. The Commission will solicit testimony concerning the scope of activities of such goups, the manner in which their operations are conducted, and the effectiveness of Federal and

state statutes in dealing with such groups. In particular, the Commission will solicit testimony from Federal, state, and local prosecutors and investigators and from private citizens concerning the origins and historical background of these groups, the impact that such groups have had on local communities throughout the United States and on the U.S. economy as a whole, and the experience of U.S. and foreign law enforcement authorities in seeking to reduce that impact and to counteract the growing influence of such groups. Members of the public who wish to present written statements to the Commission are invited to send such statements to the President's Commission on Organized Crime, 1425 K Street, NW., Suite 700, Washington, D.C. 20005.

Dated: June 6, 1984.

William French Smith,

Attorney General.

[FR Doc. 84-15618 Filed 6-8-84; 8:45 am]

BILLING CODE 4410-01-M

Lodging of a Partial Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; A & F Material Co. et al.

In accordance with Departmental Policy, 23 CFR 50.7, 38 FR 19020, notice is hereby given that on June 1, 1984, a proposed partial consent decree in *United States* v. *A & F Materials Company, et al.*, Civil Action No. 83-3123, was lodged with the District Court for the Southern District of Illinois. The decree resolves claims of the United States against the settling parties under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*

The settling companies are ALCOA, CAM-OR, Inc., Northern Petrochemical Company, and Petrolite Corporation, four of six companies whose wastes were disposed of at a hazardous waste site in Greenup, Illinois. The settling companies have agreed to fund and assure cleanup of the surface of the site, complete a remedial investigation and feasibility study, and reimburse the Hazardous Substances Response Trust Fund in the amount of $340,000 for cleanup already undertaken at the site. The United States has retained its rights to proceed against the settling companies and others should the remedial investigation indicate that groundwater beneath the site is contaminated. The United States has also reserved its rights to pursue all its claims against the two non-settling companies, McDonnell Douglas Corporation and A-M International, as well as the former owners and operators. The proposed decree may be examined at the office of the United States Attorney for the Southern District of Illinois, Room 330, 750 Missouri Ave., East St. Louis, Illinois 62202; at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60606; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, 10th and Pennsylvania Avenue, Washington, D.C. 20530. In requesting a copy please enclose a check in the amount of $5.90 (10 cents per page reproduction charge) payable to the Treasurer of the United States. The Department of Justice will receive written comments relating to the proposed partial consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *A & F Materials Company, Inc.*, Civil Action No. 83-3123 (S.D. Ill.), D.J. Reference No. 90-7-1-140.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-15693 Filed 6-8-84; 8:45 pm]

BILLING CODE 4410-01-M

Lodging of Amended Consent Decree Pursuant to Clean Air Act; Phelps Dodge Corp.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on May 18, 1984 a proposed Amended Consent Decree in *United States of America* v. *Phelps Dodge Corporation*, Civil Action No. 81-088 TUC-MAR, was lodged with the United States District Court for the District of Arizona. The proposed Amended Consent Decree covers Phelps Dodge's Morenci and Ajo Copper smelters and requires the implementation of measures to reduce sulfur dioxide ("SO_2") and particulate emissions in compliance with the Arizona state implementation plan ("SIP"). The primary modifications to the existing Consent Decree are: (1) The deletion of the requirement to install innovative technology at the Ajo smelter as no longer necessary under a change in the Arizona SIP which provides a new emissions limitation known as multi-point rollback ("MPR"); (2) the shortening of the Ajo SO_2 compliance date in the Consent Decree by 18 months from December 31, 1985 to July 1, 1984; (3) provision of a new, as yet unspecified, control strategy for particulates at Ajo under the same time schedule as in the original Decree, December 31, 1985, with construction to commence the earlier of December 31, 1984 or seven months after startup of its furnaces; (4) a change in the averaging period for determining SO_2 emission violations from a six hour running average to a six hour discrete averaging period; (5) substitution of new test methods compatible with MPR; and (6) certain changes in interim dates at Ajo and Morenci. The final compliance dates at the Morenci smelter for SO_2 and particulates are the same: January 1, 1985.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Amended Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to the *United States* v. *Phelps Dodge Corporation*, D.J. Ref. 90-5-21-482.

The proposed Amended Consent Decree may be examined at the Office of the United States Attorney, United Bank Plaza, Suite 310, 120 West Broadway, 3rd Floor Acapulco Building, Tuscon, Arizona; at the Region IX Office of the Environmental Protection Agency 215 Fremont Street, San Francisco, California; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed Amended Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy of the proposed Amended Consent Decree, refer to the case, proposed Amended Consent Decree and D.J. reference number and enclose a check for $11.40 made payable to the United States Treasury, representing copying charges of $.10 per page.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Divisions.

[FR Doc. 84-15694 Filed 6-8-84; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Secretary of Labor's Committee on Veterans's Employment; Meeting

The Secretary's Committee on Veterans' Employment was established under Section 308, Title III, Pub. L. 97–306, "Veterans Compensation, Education and Employment Amendments of 1982", to bring to the attention of the Secretary problems and issues relating to veterans' employment.

Notice is hereby given that the Secretary of Labor's Committee on Veterans' Employment will meet on Tuesday, June 26, 1984 at 10:00 a.m. in the Secretary's Conference Room, S–2508, Francis Perkins Building.

Items to be discussed are:

- Veterans Preference/Hire a Vet Month.
- Emergency Veterans' Job Training Act of 1983.
- Title IV–C Funding (JTPA).
- Subcommittee on Communications Progress Report.

The public is invited to attend.

Signed this 4th day of June 1984 in Washington, D.C.

William C. Plowden, Jr.,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 84–15561 Filed 6–8–84; 8:45 am]

BILLING CODE 4510–79–M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Partially Closed Meeting

June 6, 1984.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (1982), as amended, notice is hereby given that a portion of the National Advisory Committee on Oceans and Atmosphere (NACOA) meeting on June 25–27, 1984, to take place in Washington, DC will be closed. The portion of the meeting to be closed will be the afternoon session on June 25, 1984 and will be held at the Military Sealift Command, 4228 Wisconsin Avenue, NW., Washington, DC. All other sessions of the meeting will be held at 2001 Wisconsin Avenue NW., in Rooms 416 and B–100. The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government was established by Congress by Pub. L. 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit other reports as may from time to time be requested by the President or Congress. The tentative agenda is as follows:

Monday, June 25, 1984

2001 Wisconsin Avenue NW., Page Building 1, Room 416, Washington, DC
9:00 a.m.–10:30 a.m.
Plenary
- Satellites

Speaker: W. Stanley Wilson, National Aeronautics and Space Administration, Oceanic Processes Program

10:30 a.m.–12:00 Noon
- Exclusive Economic Zone (EEZ) Exploration and Survey

Speakers: TBA
12:00 Noon–1:30 p.m.
Lunch
Military Sealift Command, 4228 Wisconsin Avenue, Third Floor Conference Room, Washington, DC
1:30 p.m.–5:00 p.m.
Plenary
- Closed session; presentation by Department of Defense concerning recent Sealift Study and Shipyard Mobilization Base (SYMBA) Study

5:00 p.m.—Recess

Tuesday, June 26, 1984

2001 Wisconsin Avenue NW., Page Building 1, Rooms 416 & B–100, Washington, DC
9:00 a.m.–12:00 Noon
Panel Meetings
- Shipbuilding

Chairman: Don Walsh, Room 416
Topic: Panel Work Session
Speakers: None

9:00 a.m.–10:30 a.m.
- Weather Services

Chairman: Warren Washington, Room B–100
Topic: Panel Work Session
Speakers: None

10:30 a.m.–12:00 Noon
- North Pacific Fur Seal Treaty: Information Session, Room B–100

Speakers:
Carmen J. Blondin
National Marine Fisheries Service
Fisheries Resource Management
John Grandy
United States Humane Society
Department of State Representative

12:00 Noon–1:00 p.m.—Lunch
1:00 p.m.–3:30 p.m.
Plenary
- Future Agenda Topics for NACOA
- Panel Reports

3:30 p.m.—Adjourn Regular NACOA Meeting

Wednesday, June 27, 1984

2001 Wisconsin Avenue NW., Page Building 1, Room B–100, Washington, DC
9:00 a.m.–12:00 Noon
Panel Meetings
- Underwater Technology

Chairman: Sylvia Earle, Room B–100
Topic: Panel Work Session
Speakers: None

12:00 Noon—Adjourn.

The public is welcome to the open sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session. With respect to the closed session on Monday, June 25, the Acting Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on June 4, 1984 pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, by section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be disclosed during this closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because it will be considered within the purview of 5 U.S.C. 552b(c)(1), i.e., to discuss matters that are authorized to be kept secret in the interest of national defense.

A copy of the determination to close a portion of this meeting is available for public inspection and copying in the Central Reference & Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, D.C. 20230, area code 202/377–3271.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street NW., Washington, DC 20235. The telephone number is 202/653–7818.

Dated: June 6, 1984.

Steven N. Anastasion,

Executive Director.

[FR Doc. 84–15566 Filed 6–8–84; 8:45 am]

BILLING CODE 3510–12–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-21023; File No. SR-PHLX 84-11]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.; Net Capital Requirements

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 21, 1984, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The rule changes proposed herein concern financial responsibility and reporting requirements for PHLX member and foreign currency option participant organizations. The Exchange proposes to consolidate these requirements into one rule and delete in their entirety existing Rules 703, 706, 711 and 1021. The proposed rule change defines net liquid assets requirements for organizations exempt from SEC Rule 15c3–1 and establishes reporting requirements for organizations exempt from SEC Rule 17a–5. The amendments provide for an initial net liquid asset requirement of $25,000 for all such organizations, a maintenance net liquid asset requirement of $50,000 for equity-only specialists, $75,000 for options-only specialists and $100,000 for equity-and-options specialists. Registered Options Traders may maintain either $25,000 in net liquid assets, or, if such organization files with the Exchange a letter of guarantee from the clearing member organization which carries and clears its accounts, it may, for as long as the guarantee remains in effect, maintain positive net liquid assets and a positive equity in its clearing accounts.

These amendments also provide for monthly, quarterly and annual financial reporting by registered options trader organizations subject to the $25,000 net liquid assets maintenance requirements, and quarterly and annual financial reporting by registered options traders organizations subject to the positive equity/net liquid assets maintenance requirement.

In addition, these amendments also include the following changes to current PHLX financial responsibility rules: a formula for the computation of net liquid assets; the allowance as an asset of one-third of the current bid for PHLX memberships or foreign currency option participations wholly owned by and used by a member or foreign currency options participant organization in the regular course of its business to the extent that this amount equals one half of the organization's capital maintenance requirement.

II Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

The rule changes proposed herein establish new minimum admittance and maintenance net capital requirements for PHLX member and participant organizations exempt from SEC Rule 15c3–1 regarding their specialist, market maker, or floor broker activities. These rule changes are designed to make the pertinent PHLX requirements consistent with current business practices and with the corresponding requirements of other self-regulatory organizations.These rule changes are proposed pursuant to Section 6(b)(5) of the Securities Exchange Act of 1934.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed amendment will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received by the PHLX concerning the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 2, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 4, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-15606 Filed 6-8-84; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 4, 1984.

In the matter of applications of the Midwest Stock Exchange, Inc. for Unlisted Trading Privileges in Certain Securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Homestake Mining Company,
Common Stock, $12.50 Par Value (File No. 7–7496)
Crystal Oil Company,
Common Stock, $1.00 Par Value (File No. 7–7497)
Sea-Land Corporation,
Common Stock, No Par Value (File No. 7–7498)
Lear Petroleum Corporation,
Common Stock, 10¢ Par Value (File No. 7–7500)
Bowater Incorporated,
Common Stock, $1.00 Par Value (File No. 7–7501)
M.D.C. Corporation,
Common Stock, 1¢ Par Value (File No. 7–7502)
Showboat Inc.,
Common Stock, $1.00 Par Value (File No. 7–7503)
Tambrands Inc.,
Common Stock, 25¢ Par Value (File No. 7–7504)

These securities are listed and registered on one or more other national securities exhange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 25, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–15607 Filed 6–8–84; 8:45 am]

BILLING CODE 8010–01–M

Pacific Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 4, 1984.

In the matter of Applications 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 applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Deluxe Check Printers, Inc.,
Common Stock, $1.00 Par Value (File No. 7–7485)
Imperial Oil Limited,
Common Stock, No Par Value (File No. 7–7487)
Instrument Systems Corporation,
Common Stock, $0.25 Par Value (File No. 7–7488)
Kansas City Power & Light Company,
Common Stock, No Par Value (File No. 7–7489)
Public Service Company of New Mexico,
Common Stock, $5.00 Par Value (File No. 7–7490)
Pacific Scientific Company,
Common Stock, $1.00 Par Value (File No. 7–7491)
Spectra-Physics, Inc.,
Common Stock, $0.20 Par Value (File No. 7–7492)
Tab Products Co.,
Common Stock, No Par Value (File No. 7–7493)
Transtechnology Corporation,
Common Stock, $.50 Par Value (File No. 7–7494)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 25, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–15605 Filed 6–8–84; 8:45 am]

BILLING CODE 8010–01–M

Pacific Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

June 4, 1984.

In the matter of application of the Pacific Stock Exchange, Inc. for Unlisted Trading Privileges in Certain Securities; Securities Exchnge Act of 1984.

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:

Audiotronics Corporation,
Common Stock, $1.00 Par Value (File No. 7–7483) [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 25, 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. 84–15606 Filed 6–8–84; 8:45 am]

BILLING CODE 8010–01–M

[1] The Pacific Stock Exchange has requested that its application to withdraw and strike Audiotronics Corporation from listing become effective concurrent with the approval of its application for unlisted trading privileges.

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

June 4, 1984.

In the matter of application of the Philadelphia Stock Exchange, Inc. for Unlisted Trading Privileges in Certain Securities; Securities Exchange Act of 1984.

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:

Crystal Oil Company (Louisiana)
Common Stock, $1 Par Value (File No. 7–7495)

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 25, 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. 84–15504 Filed 6–8–84; 8:45 am]

BILLING CODE 8010–01–M

[License No. 05/05–0191]

Alpha Capital Corp; Issuance of a Small Business Investment Co. License

On January 25, 1984, a notice was published in the **Federal Register** (49 FR 3154) stating that an application has been filed by Alpha Capital Corporation, Three First National Plaza, 14th Floor, Chicago, Illinois 60602, with the Small Business Administration (SBA) pursuant to section 107.102 of the Regulations governing small business investment companies (48 FR 45014 (September 30, 1983)) for a license as a small business investment company.

Interested parties were given until close of business February 9, 1984, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05–0191 on April 23, 1984, to Alpha Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 22, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84–15517 Filed 6–8–84; 8:45 am]

BILLING CODE 8025–01–M

[License No. 03/03–0170]

American Capital, Inc.; Issuance of a Small Business Investment Co. License

On December 22, 1983, a notice was published in the **Federal Register** (48 FR 56665) stating that an application has been filed by American Capital, Inc., 300 North Kanawha Street, Beckley, West Virginia 25801, with the Small Business Administration (SBA) pursuant to section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)) for a license as a small business investment company.

Interested parties were given until close of business January 6, 1984, to submit their comments to SBA. No comments were received that would prohibit the issuance of a license.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 03/03–0170 on May 9, 1984, to American Capital, Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 24, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84–15515 Filed 6–8–84; 8:45 am]

BILLING CODE 8025–01–M

Croyden Capital Corp.; Issuance of Small Business Investment Co. License

On January 3, 1984, a Notice was published in the **Federal Register** (49 FR 184) stating that an application has been filed by Croyden Capital Corporation, 45 Rockefeller Plaza, Suite 2165, New York, New York 10111, with the Small Business Administration (SBA), pursuant to the Regulations governing small business investment companies (13 CFR 107.102 (1984)) for a license as a small business investment company.

Interested parties were given until the close of business January 18, 1984, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued license No. 02/02–0472 to Croyden Capital Corporation to operate as a SBIC.

Dated: June 1, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84–15520 Filed 6–8–84; 8:45 am]

BILLING CODE 8025–01–M

[License No. 05/05–1955]

Marine Venture Capital, Inc.; Issuance of a Small Business Investment Co. License

On February 7, 1984, a notice was published in the **Federal Register** (49 FR 4583) stating that an application has been filed by Marine Venture Capital, Inc., 111 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, with the Small Business Administration (SBA), pursuant to section 107.102 of the Regulations governing small business investment companies (48 FR 45014 (September 30, 1983)) for a license as a small business investment company.

Interested parties were given until the close of business February 22, 1984, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued license No. 05/05–0195 on May 2, 1984, to Marine Venture Capital, Inc. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 22, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-15516 Filed 6-8-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2142]

Oklahoma; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the Counties of Rogers, Tulsa, and Wagoner in the State of Oklahoma constitute a disaster loan area because of damage from severe storms and flooding beginning on or about May 26, 1984. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 30, 1984, and for economic injury until February 28, 1985, at: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, TX 75051, or other locally announced locations.

Interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 214206 for physical damage and for economic injury the number is 617800.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 1, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-15518 Filed 6-8-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2142]

Wyoming; Declaration of Disaster Loan Area

Johnson, Campbell, and Sheridan Counties and the adjacent Counties of Crook, Converse, Natrona, and Weston in the State of Wyoming constitute a disaster area because of damage caused by a blizzard which occurred on April 26-27, 1984. Applications for loans for physical damage may be filed until the close of business on August 3, 1984, and for economic injury until the close of business on March 4, 1985, at the address listed below: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158, Sacramento, CA 95825, or other locally announced locations.

Interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 214111 for physical damage and for economic injury the number is 617700.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 4, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-15519 Filed 6-8-84; 8:45 am]

BILLING CODE 8025-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2135; Amdt. No. 2]

Kentucky

The above numbered declaration (49 FR 21816) and Amendment #1 (49 FR 23136) are amended in accordance with the President's declaration of May 15, 1984, to include Lincoln, Green, Taylor, Marion, and Lawrence Counties as adjacent counties in the State of Kentucky as a result of damage from high winds, tornadoes, and flooding beginning on or about May 6, 1984. All other information remains the same, i.e., the termination date for filing applications for physical damage is the close of business on July 16, 1984, and for economic injury until the close of business on February 15, 1985.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: Dated: June 5, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-15612 Filed 6-8-84; 8:45 am]

BILLING CODE 8025-01-M

[License Application No. 03/03-0172]

Enterprise Equity Corp; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.103 of the Regulations governing small business investment companies (13 CFR 107.102 (1984)), under the name of Enterprise Equity Corporation, 7787 Leesburg Pike, Falls Church, Virginia 22043, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers and directors and their ownership of the Applicant are as follows:

Donald E. Ervin, 11500 Fairway Drive, Reston, Virginia 22090, President, Director, 2.2 percent

Kenneth A. Swain, 4625 North 26th Street, Arlington, Virginia 22207, Executive Vice President, Director, 2.2 percent

Kenneth S. Kelleher, 7116 Marine Drive, Alexandria, Virginia 22309, Director, 4.5 percent

Robert J. Kelley, 3810 Westgate Drive, Alexandria, Virginia 22309, Director, 4.5 percent

Santo R. Perrino, 8348 Moline Place, Springfield, Virginia 22153, Director, 4.5 percent

Richard Thomas, 8207 Light Horse Court, Annandale, Virginia 22003, Director, 9.1 percent

Enterprise Bank Corporation, 7787 Leesburg Pike, Falls Church, Virginia 22043, 9.1 percent

Messrs. Ervin, Swain, Kelley, and Perrino are also officers or directors of Enterprise Bank Corporation.

The remainder of the Applicant's common stock will be beneficially owned by no more than thirteen other stockholders, no one of which will own as much as 10 percent of its common stock, the only class of stock authorized.

The Applicant, a Virginia corporation, will begin operations with $1,100,000 of paid-in capital and paid-in surplus derived from the sale of 220 shares of common stock.

Applicant will conduct its operations primarily in the Washington, D.C. Metropolitan area with special concentration in Fairfax County, Virginia.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new

company in accordance with the Act and Regulations.

Notice is further given that any person, may not later than 30 days from the date of publication of this notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Falls Church, Virginia.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 6, 1984.

[FR Doc. 84-15613 Filed 6-8-84; 8:45 am]
BILLING CODE 8025-01-M

Action Subject to Intergovernmental Review

AGENCY: Small Business Administration.

ACTION: Notice of Action Subject to Intergovernmental Review Under Executive Order 12372.

SUMMARY: This notice provides for public awareness of SBA's intention to fund for the first time two additional Small Business Development Centers (SBDC's) during fiscal year 1984. Currently, there are 32 SBDC's in existence. This notice also provides a description of the SBDC program by setting forth a condensed version of the program announcement which has been furnished to the proposal developers for each of the SBDC's expected to be funded. This publication is being made to provide State single points of contact, designated pursuant to Executive Order 12372, and other interested State and local entities, the opportunity to comment on the proposed funding in accord with the Executive Order and SBA's regulations found at 13 CFR Part 135.

DATE: Comments will be received for a period of 60 days from the date of publication of this notice.

ADDRESS: Comments should be addressed to Mrs. Johnnie L. Albertson, Deputy Associate Administrator for SBDC Programs, U.S. Small Business Administration, 1441 L. Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Same as above.

Notice of Action Subject to Intergovernmental Review

SBA is bound by the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs." SBA has promulgated regulations spelling out its obligations under that Executive Order. See 13 CFR Part 135, effective September 30, 1983.

In accord with these regulations, specifically § 135.4, SBA is publishing this notice to provide public awareness of the pending application for funding of the proposed Small Business Development Centers (SBDC's). Also, published herewith is an annotated program announcement describing the SBC program in detail.

The proposed SBDC's will not be funded for at least 75 days after this notice is published. Relevant information identifying these proposed SBDC's and providing the mailing address of the proposal developers is provided below. In addition to this publication, a copy of this notice is being simultaneously furnished to each affected State single point of contact which has been established under the Executive Order.

State single points of contact and other interested State and local entities are expected to advise the relevant proposal developer of their comments regarding the proposed funding in writing as soon as possible. Copies of such written comments must also be furnished to Mrs. Johnnie L. Albertson, Deputy Associate Administrator for SBDC Programs, U.S. Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416. Comments will be accepted by the relevant proposal developer and SBA for a period of two months (60 days) from the date of publication of this notice. The relevant proposal developer will make every effort to accommodate these comments during the 60-day period. If the comments cannot be accommodated by the relevant proposal developer, SBA will, prior to funding the proposed SBDC, either attain accommodation of any comments or furnish an explanation to the commenter of why accommodation cannot be attained prior to funding the proposed SBDC.

Description of the SBDC Program

The Small Business Development Center Program is a major management assistance delivery program of the U.S. Small Business Administration. SBDC's are authorized under § 21 of the Small Business Act (15 U.S.C. 648). SBDC's operate pursuant to the provisions of § 21, a Notice of Award (Cooperative Agreement) issued by SBA, and a Program Announcement. The Program represents a partnership between SBA and the State-endorsed organization receiving Federal assistance for its operation. SBDC's operate on the basis of a State plan which provides small business assistance throughout the State. As a condition to any financial award made to an applicant, an additional amount equal to the amount of assistance provided by SBA must be provided to the SBDC from sources other than the Federal Government.

Purpose and Scope

The SBDC Program has been designed to meet the specialized and complex management and technical assistance needs of the small business community. SBDC's focus on providing indepth quality assistance to small businesses in all areas which promote growth, expansion, innovation, increased productivity and management improvement. SBDC's act in an advocacy role to promote local small business interests. SBDC's concentrate on developing the unique resources of the university system, the private sector, and State and local governments to provide services to the small business community which are not available elsewhere. SBDC's coordinate with other SBA programs of management assistance and utilize the expertise of these affiliated resources to expand services and avoid duplication of effort.

Program Objectives

The overall objective of the SBDC Program is to leverage Federal dollars and resources with those of the State academic community and private sector to:

(a) Strengthen the small business community;

(b) Contribute to the economic growth of the communities served;

(c) Make assistance available to more small businesses than is now possible with present Federal resources; and

(d) Create a broader based delivery system to the small business community.

SBDC Program Organization

SBDC's are organized to provide maximum services to the local small business community. The lead SBDC receives financial assistance from the SBA to operate a statewide SBDC Program. In states where more than one organization receives SBA financial assistance to operate an SBDC, each lead SBDC is responsible for Program operations throughout a specific regional area to be served by the SBDC. The lead SBDC is responsible for establishing a network of SBDC subcenters to offer service coverage to the small business community. The SBDC network is managed and directed by a single full-time Director. SBDC's must ensure that at least 80 percent of Federal funds

provided are used to provide services to small businesses. To the extent possibe, SBDC's provide services by enlisting volunteer and other low cost resources on a statewide basis.

SBDC Services

The specific types of services to be offered are developed in coordination with the SBA district office which has jurisdiction over a given SBDC. SBDC's emphasize the provision of indepth, high-quality assistance to small business owners or prospective small business owners in complex areas that require specialized expertise. These areas may include, but are not limited to: management, marketing, financing, accounting, strategic planning, regulation and taxation, capital formation, procurement assistance, human resource management, production, operations, economic and business data analysis, engineering, technology transfer, innovation and research, new product development, product analysis, plant layout and design, agri-business, computer application, business law information, and referral (any legal services beyond basic legal information and referral require the endorsement of the State Bar Association,) exporting, office automation, site selection, or any other areas of assistance required to promote small business growth, expansion, and productivity within the State.

The degree to which SBDC resources are directed towards specific areas of assistance is determined by local community needs, SBA priorities and SBDC Program objectives and agreed upon by the SBA district office and the SBDC.

The SBDC must offer quality training to improve the skills and knowledge of existing and prospective small business owners. As a general guideline, SBDC's should emphasize the provision of training in specialized areas other than basic small business management subjects. SBDC's should also emphasize training designed to reach particular audiences such as members of SBA priority and special emphasis groups.

SBDC Program Requirements

The SBDC is responsible to the SBA for ensuring that all programmatic and financial requirements imposed upon them by statute or agreement are met. The SBDC must assure that quality assistance and training in management and technical areas is provided to the State small business community through the State SBDC network. As a condition of this agreement, the SBDC must perform but not be limited to the following activities.

(a) The SBDC ensured that services are provided as close as possible to small business population centers. This is accomplished through the establishment of SBDC subcenters.

(b) The SBDC ensures that lists of local and regional private consultants are maintained at the lead SBDC and each SBDC subcenter. The SBDC utilizes and provides compensation to qualified small business vendors such as private management consultants, private consulting engineers, and private testing laboratories.

(c) The SBDC is responsible for the development and expansion of resources within the State, particularly the development of new resources to assist small business that are not presently associated with the SBA district office.

(d) The SBDC ensures that working relationships and open communications exist within the financial and investment communities, and with legal associations, private consultants, as well as small business groups and assoications to help address the needs of the small business community.

(e) The SBDC ensures that assistance is provided to SBA special emphasis groups throughout the SBDC network. This assistance shall be provided to veterans, women, exporters, the handicapped, and minorities as well as any other groups designated a priority by SBA. Services provided to special emphasis groups shall be performed as part of the Cooperative Agreement.

Advance Understandings

(a) Lead SBDC's shall operate on a 40-hour week basis, or during normal State business hours, with National holidays or State holidays as applicable excluded.

(b) SBDC subcenters shall be operated on a full-time basis. The lead SBDC shall ensure that staffing is adequate to meet the needs of the small business community.

(c) All counseling assistance offered through the Small Business Development Center network shall be provided at no cost to the client.

Dated: June 5, 1984.

James C. Sanders,

Administrator.

Addresses of Proposed SBDC's and Proposal Developers

Dr. Bong-Gon-Shin, Associate Professor of Management, College of Business, Boise State University, 1910 University Drive, Boise, Idaho 83725, (208) 385–1011

Ms. Jon P. Goodman, Coordinator, Business Policy-Strategy Group, University of Houston, University Park, Houston,Texas 77004, (713) 749–3903

[FR Doc. 84–15610 Filed 6–8–84; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA General Docket No. H–80–7]

Locomotive Test Program

The Federal Railroad Administration (FRA) is considering a proposal to grant a temporary waiver of compliance with certain provisions of the Locomotive Safety Standards (49 CFR Part 229). The proposed waiver would be used to expand an ongoing study of the safe service life and reliability of specific components of locomotive power brake equipment.

The test program was initiated in August 1981 to obtain data on the appropriate interval for inspection and maintenance of locomotive airbrakes. Sections 229.27 and 229.29 of the Locomotive Safety Standards currently establish a two year interval for performing this task on the basis of data that is many years out of date. FRA considered enlarging this interval when it updated the Locomotive Safety Standards in 1980, but concluded that there was not sufficient data to support a specific change to the inspection and test interval.

In order to obtain an effective data base, FRA solicited the assistance of all interested parties in devising an appropriate test program. Based on their suggestions, FRA established a test program in June 1981. The Report and Order detailing that test effort appeared in the **Federal Register** on June 29, 1981 (46 FR 33401).

Under the terms of that test program, eight railroads were permitted to operate approximately 3,800 locomotives without subjecting them to the periodic attention required under §§ 229.27 and 229.29. These railroads were required to conduct a functional test of the airbrake equipment on a daily basis, and if the equipment failed to pass that daily test, the railroad was required to follow more extensive testing, removal, and repair procedures.

The statistical data generated by this daily testing approach clearly indicates that the test locomotives can safely operate for periods in excess of the two-year interval. The test locomotives have had a very low failure rate during these daily tests even though some of the locomotives have now been in service

for more than four years. Analysis of the airbrake equipment removed from the limited number of units that failed the daily test, indicates that a simple modification of the equalizing piston component will significantly improve the service life of these units. A program to make this modification has already been initiated. In addition to monitoring the daily tests, FRA has conducted several special inspections to monitor this test program. During these inspections, FRA has randomly selected 47 locomotives for intensive testing and 4 locomotives for a complete disassembly inspection of the airbrake equipment.

Analysis of all of the data generated by this test program indicates that the type of airbrake equipment being tested will safely operate for at least a three year interval and should be capable of operating for a still unknown period beyond that three-year interval. FRA has therefore decided to continue the test program to obtain additional data.

On the basis of the favorable data, the Association of American Railroads (AAR), which has been assisting FRA in conducting this test program, has requested that FRA expand the number of locomotives permitted to operate for more than of two years between the inspection and maintenance activity required by §§ 229.27 and 229.29. AAR requests that FRA permit all locomotives equipped with the same 26L-type airbrake that is being evaluated in this test program to operate for intervals of up to three years. AAR estimates that 20,000 locomotives now in service are equipped with the 26L-type brake equipment.

FRA desires to obtain the comments and views of all interested parties on this proposed expansion of the test program. Accordingly, all interested parties are invited to submit written views, data, or comments on this proceeding. All comments should identify the appropriate docket and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before July 27, 1984 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning this proceeding are available for examination during regular business hours (8:30 a.m.–5:00 p.m.) in Room 5101 Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on June 4, 1984.

Joseph W. Walsh,

Associate Administrator for Safety.

[FR Doc. 84-15539 Filed 6-8-84; 8:45 am]

BILLING CODE 4910-06-M

Public Hearing

Notice is hereby given that the Federal Railroad Administration (FRA) will hold a public hearing to obtain additional information concerning 11 waiver petitions. In each of these proceedings the petitioner has requested a temporary waiver of compliance with certain provisions of the Freight Car Safety Standards (49 CFR Part 215).

The specific proceedings to be discussed during this hearing are as follows:

Waiver petition docket No.	Petition filed by—
RSFC–84–1	Burlington Northern Railroad.
RSFC–84–2	Chesale System Railroads.
RSFC–84–3	Chicago and Northwestern Transportation Co.
RSFC–84–4	Atchison, Topeka and Santa Fe Railway.
RSFC–84–5	Union Pacific Railroad Co.
RSFC–84–6	Seaboard System Railroad.
RSFC–84–7	Missouri Pacific Railroad Co.
RSFC–84–8	Southern Pacific Transportation Co.
RSFC–84–9	Richmond, Fredericksburg and Potomac Railroad Co.
RSFC–84–10	Consolidated Rail Corp.
RSFC–84–11	Norfolk Southern Corp.

In each of these proceedings the petitioner has sought a temporary waiver of compliance with the provisions of § 215.121 because of delays in completing their retrofit program to install safety hangers on boxcars equipped with plug doors. Additional details concerning each of these proceedings is contained in a notice published on March 26, 1984 (49 FR 11278).

The public hearing will be held beginning at 10:00 a.m. on June 25, 1984, in Room 2230 of the Nassif Building, located at 400 Seventh Street, S.W., Washington, D.C. The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR Part 211).

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statement. Additional procedures, if necessary for the conduct of the hearing will be announced at the hearing.

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

J. W. Walsh,

Associate Administrator for Safety.

[FR Doc. 84-15540 Filed 6-8-84; 8:45 am]

BILLING CODE 4910-06-M

Maritime Administration

[Docket No. S-757]

Farrell Lines Inc.; Application To Amend Contract No. MA/MSB-352 To Authorize Ships Operating on TR 14-1 To Call Inbound at Cadiz, Spain

Notice is hereby given that by application dated May 16, 1984, Farrell Lines Incorporated (Farrell) has requested an amendment to its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-352 to authorize its ships operating on its subsidized service on TR 14–1 between U.S. Atlantic ports and West Africa to call on a privilege basis at port of Cadiz, Spain, inbound after departure from the permitted range of West African ports.

Any person, firm, or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20590 by close of business on June 20, 1984.

The Maritime Subsidy Board will consider there views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Date: June 6, 1984.

Georgia P. Stamas,

Secretary.

[FR Doc. 84-15574 Filed 6-8-84; 8:45 am]

BILLING CODE 4910-81-M

UNITED STATES INFORMATION AGENCY

Privacy Act of 1974; Report of New System

AGENCY: United States Information Agency.

ACTION: Notice of new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, we are establishing a new system of records on behalf of

USIA's Office of Contracts. The system will be manually operated at first, and will be for internal use only. It is intended to maintain, in one location, the names, backgrounds and qualifications of USIA employees who are working in positions which involve procurement activity, or who are proposed for appointment to positions as Contracting Officers. The system will also be used to monitor the contracting work force of USIA. By notice published at 49 FR 12802 (March 30, 1984), the public was requested to submit comments. No comments wre received. Therefore, the Agency is adopting the proposed system.

EFFECTIVE DATE: June 1, 1984.

FOR FURTHER INFORMATION CONTACT: Director, Office of Contracts, U.S. Information Agency, 1717 H Street NW., Washington, D.C., 20547.

SUPPLEMENTARY INFORMATION: In conformance with the New Federal Acquisition Regulation and Executive Order 12352, USIA is establishing personnel policies and classification standards to meet the needs of the Agency for a professional procurement workforce. In furtherance of this goal, the USIA Procurement Executive arranged a two-day training session for all interested Agency personnel which was held on January 30 and 31, 1984. Duties of procurement personnel have been reassigned to place employees in positions best suited to their knowledge and skills. We have established four levels of classification for procurement personnel to develop a career ladder and provide incentives for a high level of performance. A system of records which contains information of background and experience of procurement personnel is essential to the screening of candidates for promotion to higher level procurement positions. The required system is established by this announcement.

USIA-60

SYSTEM NAME:

USIA Procurement Personnel Information System

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Contracts, U.S. Information Agency, 1717 H Street NW., Washington, D.C. 20547.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USIA employees involved with procurement activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, office, position title, series and grade, service computation date, position description, education, training, experience, professional recognition, career objectives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system is derived from the Federal Records Act, 44 U.S.C. 3101, and Federal Acquisition Regulation, Subpart 1-6.

PURPOSE OF THE SYSTEM:

The U.S. Information Agency has established a register of trained and qualified individuals who may be appointed as Contracting Officers at all grade levels. In accordance with Section 1(g) of Executve Order 12352, clear lines of contracting authority and accountability must be established. The system will be used to establish and monitor the contracting work force.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Identification of employees who have met standards of experience, education, and training for appointment as Contracting Officers and to analyze procurement system performance such as functional placement, system training needs, and workforce size. Information is available to personnel of the U.S. Information Agency as may be required for performance of official duties. Information on individuals will not normally be available outside the U.S. Information Agency as it falls within the excepted guidelines of the Freedom of Information Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information will be maintained in a paper hard copy file which will be automated as soon as possible.

RETRIEVABILITY:

Records are retrieved by name, office, series and grade.

SAFEGUARDS:

Files are kept in the Office of Contracts in bar lock cabinets and may be accessed only by the office staff. As soon as the file is automated, it will be password protected.

RETENTION AND DISPOSAL:

Files will be retained as long as the individual remains an employee of the U.S. Information Agency, and will be destroyed upon the employee's separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Contracts, U.S. Information Agency, 1717 H Street NW., Washington, D.C. 20547.

NOTIFICATION PROCEDURE:

Access to Information Officer (M/AGP) , U.S. Information Agency, 301 Fourth Street SW., Washington, D.C. 20547.

RECORDS ACCESS PROCEDURE:

Requests from individuals should be addressed to Access to Information Officer (M/AGP), U.S. Information Agency, 301 Fourth Street SW., Washington, D.C. 20547.

CONTESTING RECORD PROCEDURES:

The U.S. Information Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned are published in Part 505, Title 22, U.S. Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Information is provided by the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: June 5, 1984.

Charles Z. Wick,

Director.

[FR Doc. 84-15556 Filed 6-8-84; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Veterans Administration Medical Center, Dayton, Ohio; Replacement/Modernization Project; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the proposed construction of a replacement/modernization project at the Dayton, Ohio, Medical Center. The assessment determined that the potential environmental impacts will be minimal from the construction of this project.

Development is based upon projected bed and outpatient visits to the year 1990. The project will include:

Site work, utility relocation, and new construction of a seven-level building immediately east of the existing clinic addition. It will contain 300 medical and surgical beds, as well as selected high priority diagnostic and treatment departments. Portions of the existing main hospital building will be renovated for: 100 psychiatric beds, 30

rehabilitation beds, 200 intermediate beds, and other selected departmental functions.

Temporary construction related impacts will be raised noise levels, air quality degradation, and some operational inconveniences. These are temporary and should not have a significant effect on hospital staff, patients, or the environment.

Construction noise will be mitigated through the use of mufflers on all equipment and scheduling high noise activities for minimum disruption.

Permanent impacts will include alteration of views from onsite, demolition of several historical buildings, reduction of open space, and realignment of some roadways. These are unavoidable impacts and are considered to be minor.

A final decision regarding vacant or unusable historic buildings has not been made. The Advisory Council on Historic Preservation has requested a preliminary case report from the Veterans Administration Medical Center on those buildings proposed for demolition. Alternatives to demolition are to be studied.

The construction contract specifications will include the VA Environmental Protection Section which directs mitigation of any adverse environmental impacts caused by construction.

The VA will adhere to all applicable Federal, State, and local environmental regulations during construction and operation of this project.

If no action were to occur, none of the attributes assessed would be affected.

Findings conclude the preferred alternative will not cause a significant effect on the physical or human environment; therefore, preparation of an EIS is not recommended.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

An Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based upon the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Room 423, Veterans Administration, 811 Vermont Avenue, N.W., Washington, D.C. 20420, (202) 389-3316. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: June 4, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 84-15564 Filed 6-8-84; 8:45 am]

BILLING CODE 8320-01-M

Information Collection Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following information collection requirement under the provisions of 5 CFR 1320 (Paperwork Reduction Act, Pub. L. 96-511). The following information is listed for each reporting requirement: (1) The department of staff office requesting the information collection requirement; (2) The title of the information collection requirement; (3) The form number, if applicable; (4) How ofter the information will be collected; (5) Who will be required or asked to report; (6) An estimate of the total number of responses; (7) An estimate of the total number of hours needed to make responses; and (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Information on and copies of the information collection requirement can be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. Comments and questions about the items on this list should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Dick Eisinger, Desk Officer for VA, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-6880.

DATES: *The VA has requested and OMB has approved a 14 day comment period on this information collection. Comments on the information collection should be directed to the OMB Desk Officer within 14 days of this notice.

Dated: June 1, 1984.

By Direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

New Collection (One-Time)

(1) Office of Data Management and Telecommunications
(2) Telephone Survey of Customers of Offered Equipment
(3) Not applicable
(4) One-time
(5) Non-profit institutions; Federal agencies or employees; State or local governments; Businesses or other for-profit
(6) 132 responses
(7) 132 hours
(8) Submitted pursuant to 5 CFR Part 1320

[FR Doc. 84-15569 Filed 6-8-84; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 113
Monday, June 11, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, June 13, 1984.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. FOIA Regulations: Proposed Amendment

The Commission will consider a proposal to amend and reorganize existing Freedom of Information Act Regulation (16 CFR Part 1015).

2. NSPI Safety Booklet: Request for Use of CPSC Logo

The staff will brief the Commission on a request from the National Spa and Pool Institute (NSPI) for the Commission's endorsement of two publications prepared by that association, and the use of the Commission's logo on the two publications.

For a recorded message containing the latest agenda information call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Todd Stevenson, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800

Todd Stevenson,

FOIA Officer.

June 6, 1984.

[FR Doc. 84–15616 Filed 6–7–84; 9:48 am]

BILLING CODE 6355–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, June 12, 1984.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: FY 85 Operating Plan.

The staff will brief the Commission on the 1985 Operating Plan.

For a recorded message containing the latest agenda information call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Todd Stevenson, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Todd Stevenson,

FOIA Officer.

June 6, 1984.

[FR Doc. 84–15617 Filed 6–7–84; 9:48 am]

BILLING CODE 6355–01–M

3

COUNCIL ON ENVIRONMENTAL QUALITY

June 7, 1984.

TIMES, DATES AND PLACES: Wednesday, August 22, 1984, 10:00 a.m. to 3:00 p.m., New Orleans Hilton Hotel, #2 Poydras Street, New Orleans, Louisiana, Marlboro Rooms A & B (2nd Floor); Friday, August 24, 1984, 10:00 a.m. to 3:00 p.m., Rodeway Inn Airport, 4590 Quebec Street, Denver, Colorado, Golden/Baldwin Rooms; Monday, August 27, 1984, 10:00 a.m. to 3:00 p.m., Federal Home Loan Bank Board, 1700 G. St., NW., Washington, D.C. Amphitheater.

STATUS: Open.

MATTERS TO BE CONSIDERED: The purpose of these meetings is to seek public comments on contractor draft final report regarding a water research center and a water information clearinghouse.

FOR FURTHER INFORMATION CONTACT: Dr. Harvey Doerksen, Project Director, Environmental Monitoring and Data, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006 (202) 395–5754.

SUPPLEMENTARY INFORMATION: CEQ has been directed by Congress to conduct a study to "consider and define a National Center for Water Resources Research," and to "define and plan a National Clearinghouse for Water Resources Information" (Pub. L. 98–181). This study is being conducted in two phases. A public meeting was held in Washington, D.C., May 22, 1984, to consider the first phase report in which the contractor proposed several alternative mission statements and institutional designs for a water research center and for a water information clearinghouse. The CEQ considered public comments in selecting three research center concepts and three clearinghouse concepts which are being evaluated in depth by the contractor in the second phase of the study.

The Council on Environmental Quality will be represented at these meetings by A. Alan Hill, Chairman; William L. Mills, Member; Jacqueline E. Schafer, Member; Kemp Harshman, Executive Officer/Deputy General Counsel; and Harvey Doerksen, Project Director.

Persons and organizations wishing to receive a copy of the Phase II report for review should submit a written request to CEQ, preferably before July 31, 1984. Following such review, any comments on the report must be submitted in writing to CEQ by August 28, 1984, in order to receive full consideration. However, comments received by CEQ after that date will be accepted, and will be considered if time permits.

Persons and organizations wishing to make oral presentations at one of the public meetings (August 22, 1984, New Orleans; August 24, 1984, Denver; or August 27, 1984, Washington, D.C.) must request time in writing from CEQ by August 15, 1984. In view of time restrictions, CEQ reserves the right to establish length limitations on the oral presentations. Oral presentations should be limited to 10 minutes. A written version of the comments must also be provided to CEQ at the time of each of the public meetings. If there are more persons who request to present oral comments than can be accommodated in the time available, CEQ will select from among the requesters those that represent a range of viewpoints, and will notify all requesters of its determinations in advance of the meetings. For those not selected to testify, CEQ will receive written comments, and will give full consideration to those received before August 28, 1984.

Interested persons and organizations are also invited to attend the meetings to observe the proceedings.

Persons who requested, and received a copy of the Phase I report from CEQ,

will automatically be sent a copy of the Phase II report.

Public comments will be considered by CEQ in making its recommendation to the Congress.

A. Alan Hill,

Chairman.

[FR Doc. 84-15632 Filed 6-7-84; 11:23 am]

BILLING CODE 3125-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:53 a.m. on Wednesday, June 6, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Cherokee County Bank, Centre, Alabama, which was closed by the Superintendent of Banks for the State of Alabama on Tuesday, June 5, 1984; (2) accept the bid for the transaction submitted by First Alabama Bank of Anniston, National Association, Anniston, Alabama; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chariman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: June 6, 1984.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[FR Doc. 84-15638 Filed 6-7-84; 11:45 am]

BILLING CODE 6714-01-M

5

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 2:30 p.m., Thursday, June 14, 1984.

PLACE: Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6970).

MATTERS TO BE CONSIDERED: Practice Before the Board.

Dated: June 6, 1984.

J. J. Finn,

Secretary.

[FR Doc. 84-15690 Filed 6-7-84; 3:49 pm]

BILLING CODE 6720-01-M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

June 6, 1984.

TIME AND DATE: 10:00 a.m., Wednesday, June 13, 1984.

PLACE: Room 600 1730 K Street., NW., Washington, D.C.

STATUE: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Secretary of Labor, (MSHA) on behalf of Thomas C. Williams v. Peabody Coal Company, Docket No. LAKE 83-69-D; Petition for Interlocutory Review.

2. Secretary of Labor (MSHA) v. U.S. Steel Mining Co., Docket No. PENN 83-39. (Issues include whether safety standard violations were properly found to be significant and substantial.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 84-15667 Filed 6-7-84; 3:49 pm]

BILLING CODE 6735-01-M

7

PAROLE COMMISSION

Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters.)

TIME AND DATE: Wednesday, June 13, 1984—2:00 p.m.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 3 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

Dated: June 7, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84-15689 Filed 6-7-84; 3:49 pm]

BILLING CODE 4410-01-M

8

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: (To be published)

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, May 31, 1984.

CHANGE IN THE MEETING: Deletion.

The following additional item was not considered at a closed meeting scheduled for Tuesday, June 5, 1984.

Settlement of administrative proceeding of an enforcement nature.

Chairman Shad and Commissioners Treadway, Cox and Marinaccio determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bill Fowler at (202) 272-3077.

George A. Fitzsimmons,

Secretary.

June 6, 1984.

[FR Doc. 84-15655 Filed 6-7-84; 12:38 pm]

BILLING CODE 8010-01-M

federal register

Monday
June 11, 1984

Part II

Department of Justice

Bureau of Prisons

28 CFR Part 524

Control, Custody, Care, Treatment, and Instruction of Inmates; Central Inmate Monitoring Systems; Final Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 524

Control, Custody, Care, Treatment, and Instruction of Inmates; Central Inmate Monitoring Systems

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Prisons is finalizing §§ 524.71 and 524.72 of its interim rule on the central inmate monitoring system. The final rule is intended to more narrowly define the applicable criteria for an inmate to receive a central inmate monitoring assignment and is expected to reduce the number of inmates who are classified central inmate monitoring cases.

EFFECTIVE DATE: June 11, 1984.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: In this document, the Bureau is finalizing §§ 524.71 and 524.72 of its interim rule on the central inmate monitoring (CIM) system. A final rule on this subject was published in the **Federal Register** December 19, 1980 (at 45 FR 83920 et seq.). Since publication of that final rule, the Bureau of Prisons has strived to continue to refine and to improve the CIM system. One major improvement occurred in August 1981 when the Bureau automated its CIM system. This process gave the Bureau a more effective way to operate this system and led to further modifications. These were reflected in an interim rule published in the **Federal Register** May 20, 1982 (at 47 FR 22002 et seq.). Since publication of the interim rule, the Bureau has continued its assessment of the CIM system and has begun to make further refinements in the system. At this time, the Bureau is finalizing interim § 524.72, central inmate monitoring assignments. The modifications are intended to further refine the criteria for an inmate to be classified a CIM case, and are expected to reduce the number of individuals who are monitored under the CIM program. For this reason, and because the CIM system is not for the purpose of precluding inmates classified as CIM cases from transfers, from temporary releases, or from participation in community activities, but is rather to provide for consistent policy application, the Bureau of Prisons finds good cause under 5 U.S.C. 553(d) to make this rule effective without a delay in the effective date.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. The Bureau of Prisons has determined that E.O. 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

Interested persons were invited to submit comments on the interim rule. Members of the public may submit comments concerning the final rule by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register**. Changes made to, and comments received on, the interim rule are discussed below.

1. Section 524.71—section 524.71 substitutes the phrase "Central Inmate Monitoring Program" for "Central Inmate Monitoring Network". The intent of this section is unchanged.

2. Section 524.72(b)—section 524.72(b) establishes a separate assignment for special security cases. These inmates were previously included under interim § 524.72(g), Special Supervision. The final rule narrows the criteria for this assignment from cooperation with the government, to cooperation in sensitive internal investigations in either state or federal institutions. The Central Office, Inmate Monitoring Section, is responsible for approving CIM activity clearances for an inmate in this assignment.

3. Section 524.72(c)—interim § 524.72(b), now final § 524.72(c), Sophisticated Criminal Activity, is revised. This assignment is narrowed to include those persons who have been involved in sophisticated, large-scale criminal activity. Elected or appointed public officials who violated the trust of their position as evidenced by conviction for a felony offense are no longer automatically classified "sophisticated criminal activity." Each individual case will be evaluated to determine if a CIM assignment is warranted.

The minimum criteria for the sophisticated criminal activity assignment is also revised. Deleted is interim § 524.72(b)(1) on the geographic operation of the activity, since this has not been shown to be a meaningful basis for classification decisions. Interim § 524.72(b)(2), now final § 524.72(c)(1), is revised to require that the person be a principal figure or prime motivator in the criminal organization or activity. The Bureau will no longer monitor mid-level managers and supervisors. Interim § 524.72(b)(3), now final § 524.72(c)(2), doubles the required monetary value necessary for an inmate to be given this assignment either for drug offenses, or for property or white collar offenses. For the purpose of this assignment, the realization of a lesser amount of net illicit gain by the inmate for property or white collar offenses will not mitigate the amount of loss of potential loss which may have been incurred by the victim(s).

Because interim § 524.72(b) states "an inmate *may* be classified to this assignment" (emphasis added), a commenter suggests that the Bureau provide further guidance on when this classification should not be given; e.g., on the basis of such factors as age and health. This is not considered necessary. The CIM assignment is a method of classification. Accordingly, each inmate is assessed, within the specified criteria, based on his or her situation. Nor does the Bureau agree with a comment that the determination of CIM status should be obtained by an examination of the offense for which the inmate was "actually tried and convicted", or that the phrase "from which substantial income or resources could be obtained" can be further defined. While the Bureau will not make a CIM assignment based on charges upon which an inmate is found not guilty by a court of law, it is appropriate to consider factual information which indicates a need for special case management review. It is appropriate, for example, to consider the total offense behavior when a plea agreement resulting in a lesser charge has been reached prior to sentencing. An inmate is notified of his or her assignment as sophisticated criminal activity, and the basis for that assignment. If the inmate disagrees with this assignment, the Bureau's Administrative Remedy Procedure (Part 542, Subpart B) may be used to file an appeal.

A commenter who suggests that the monetary criteria for offense value (interim § 524.72(b)(3)) should be higher, based on the "announced purpose" of the rule, for a white collar offender than for a drug offender fails to recognize that "street value" for drugs is not determined in the same manner as is the monetary value for a white collar offender. The Bureau also notes that classification as a CIM case is not intended to preclude an inmate's

participation in activities for which the inmate is otherwise qualified, but is to provide a closer review of those inmates, including both drug and white collar offenders, who present a special need for management.

4. Section 524.72(d)—interim § 524.72(c) becomes final § 524.72(d).

5. Section 524.72(e)—interim § 524.72(d), now final § 524.72(e), is revised to delete the example of continued news coverage by the local media. As revised, it is expected that an inmate will be given an assignment under broad publicity when that inmate is likely to receive widespread publicity from the national media and is likely to be of on-going interest to the public after the inmate's incarceration. This assignment is intended to provide a management tool to help determine whether the release of an individual subjected to "broad publicity" is premature and will therefore undermine the public's respect for the administration of justice.

6. Section 524.72(f)—interim § 524.72(e), now final § 524.72(f), is revised to include in this assignment those inmates who cannot reside in the same institution with a specified disruptive group(s), as opposed to the interim rule's specified disruptive group members. If the inmate requires separation from a specified person, a classification will be made under the separation assignment.

7. Section 524.72(g)—interim § 524.72(f), now final § 524.72(g), is reworded, although its intent is unchanged.

8. Section 524.72(h)—interim § 524.72(h), now final § 524.72(h), is reworded to apply to inmates presently housed in federal custody or who may come into federal custody in the future. Deleted is the broad language of "and those inmates who may be affected by any other event or circumstances which could result in a physical confrontation between at least two persons or which could jeopardize the orderly operation of the institution." The rule identifies some of the factors to consider in making this assignment.

9. Section 524.72(i)—interim § 524.72(g), now final § 524.72(i), is revised. Reference to an inmate's cooperation with the government is now included in final § 524.72(b), Special Security Cases. Because it is no longer considered necessary to routinely include in special supervision those individuals who have had any affiliation with law enforcement and/or corrections, or an occupational history which might constitute a source of difficulty during confinement, the remainder of the interim rule is rewritten to apply to those inmates who require special management attention but who do not ordinarily meet the criteria for any of the previous assignments. To help ensure that this assignment is narrowly used, an inmate may be classified a special supervision case only upon authorization of a Regional Director or the Assistant Director, Correctional Programs Division.

The Bureau has not accepted a commenter's request that its comments on the Bureau's previously proposed rule on the central inmate monitoring system be incorporated by reference. The referenced comments are not considered relevant to the current rulemaking. The Administrative Procedure Act does not have an incorporation by reference provision with respect to public comment. In addition, the cited comments were considered, and responded to, at the time the Bureau published its December 1980 interim rule.

List of Subjects in 28 CFR Part 524

Prisoners.

Conclusion

PART 524—[AMENDED]

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR, Chapter V is amended as set forth below.

Dated: May 30, 1984.

Norman A. Carlson,

Director, Bureau of Prisons.

In consideration of the foregoing, Subchapter B of 28 CFR, Chapter V is amended as follows:

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

PART 524—CLASSIFICATION OF INMATES

In Subchapter B, Part 524, amend Subpart F as follows:

Subpart F—Central Inmate Monitoring System

A. The authority citation for Part 524 reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510; Title V, Pub. L. 91–452, 84 Stat. 933 (18 U.S.C. Chapter 223); 28 CFR 0.95–0.99.

B. In Subpart F, revise §§ 524.71 and 524.72 to read as follows:

§ 524.71 Responsibility.

Authority for actions relative to the Central Inmate Monitoring Program is delegated to the Assistant Director, Correctional Programs Division, to Regional Directors, and to Wardens. Each of these persons shall designate a CIM coordinator (for the Central Office, each Regional Office, and each institution, respectively). Community Programs Managers are designated CIM coordinators for inmates confined at contract facilities.

§ 524.72 Central inmate monitoring assignments.

Central inmate monitoring cases are classified according to the following assignments.

(a) *Witness security cases:* Inmates who are identified by the Department of Justice as witness security cases. This assignment includes persons whose safety is in jeopardy because of their cooperation with the government. Placement in this assignment may be made only upon authorization of the Office of Enforcement Operations, Criminal Division, Department of Justice.

(b) *Special security cases:* Inmates, other than witness security cases, whose safety may be in jeopardy because of their cooperation in sensitive internal investigations in either state or federal institutions. Placement in this assignment may be made only upon authorization of the Assistant Director, Correctional Programs Division. Special security cases are to be considered witness security cases for the purpose of central inmate monitoring activity clearances.

(c) *Sophisticated criminal activity:* Inmates who have been involved in sophisticated, large-scale criminal activity. A RICO conviction (Racketeer Influenced and Corrupt Organizations—18 U.S.C. 1961–1968) or a Continuing Criminal Enterprise conviction (21 U.S.C. 848) will automatically result in a classification to this assignment. Other examples of sophisticated criminal activity include drug offenses, property offenses, white collar offenses, or a criminal history of involvement in such offenses. An inmate may be classified to this assignment when all the following minimum criteria are met:

(1) The offender was a principal figure or prime motivator in the criminal organization or activity from which substantial income or resources could be obtained; and

(2) The monetary value of the offense totaled $1,000,000 or more for drug offenses, and $500,000 or more for property offenses or white collar

offenses. The realization of a lesser amount of net illicit gain by the inmate for property or white collar offenses does not mitigate the amount of loss or potential loss which may have been incurred by the victim(s).

(d) *Threats to government officials:* Inmates who have made threats to government officials or have been identified in writing by the U.S. Secret Service as requiring special surveillance.

(e) *Broad publicity:* Inmates who have received widespread publicity (for example, national media coverage) as the result of their criminal activity or notoriety as public figures.

(f) *Disruptive groups:* Inmates who belong to or are closely affiliated with groups (e.g., prison gangs), which have a history of disrupting operations and security in any penal (which includes correctional and detention facilities) institution. This assignment also includes those persons who may not be confined in the same institution with a specified disruptive group(s).

(g) *State prisoners:* Inmates, other than witness security cases, who have been accepted into the Bureau of Prisons for service of their state sentences. This assignment includes cooperating state witnesses and regular state boarders.

(h) *Separation:* Inmates who may not be confined in the same facility with other specified individuals who are presently housed in federal custody or who may come into federal custody in the future. Factors to consider in classifying an individual to this assignment include, but are not limited to, testimony provided by or about an individual (in open court, to a grand jury, etc.), and whether the inmate has exhibited aggressive behavior towards other specific individuals either in the community or within the institution. This assignment also includes those inmates who have provided authorities with information concerning the unauthorized or illegal activities of others.

(i) *Special supervision:* Inmates who require special management attention, but who do not ordinarily warrant assignment in paragraphs (a)–(h) of this section. For example, this assignment may include an inmate with a background in law enforcement or an inmate who has been involved in a hostage situation. Placement in this assignment may be made only upon the authorization of a Regional Director or the Assistant Director, Correctional Programs Division.

[FR Doc. 84-15577 Filed 6-8-84; 8:45 am]
BILLING CODE 4410-05-M

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Federal Register

Vol. 49, No. 113

Monday, June 11, 1984

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CFR CHECKLIST

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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1, 2 (2 Reserved)	$6.00	Jan. 1, 1984
3 (1983 Compilation and Parts 100 and 101)	7.00	Jan. 1, 1984
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*600-799	6.00	Apr. 1, 1984
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[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).