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Wednesday
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Selected Subjects

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Federal Communications Commission

Endangered Species
Fish and Wildlife Service

Fisheries
National Oceanic and Atmospheric Administration

Freedom of Information
National Railroad Passenger Corporation

Government Contracts
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Hazardous Waste
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Presidential Documents

Title 3—

The President

Proclamation 5207 of June 7, 1984

Application of Certain Laws of the United States to Citizens of the Northern Mariana Islands

By the President of the United States of America

A Proclamation

The Northern Mariana Islands, as part of the Trust Territory of the Pacific Islands, are administered by the United States under a Trusteeship Agreement between the United States and the Security Council of the United Nations (61 Stat. 3301). The United States has undertaken to promote the political development of the Trust Territory toward self-government or independence and to protect the rights and fundamental freedoms of its peoples.

The United States and the Northern Mariana Islands have entered into a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94–241; 90 Stat. 263; 48 U.S.C. 1681, note) pursuant to which many provisions of the laws of the United States became applicable to the Northern Mariana Islands as of January 9, 1978 (Proclamation No. 4534, Section 2).

Sections 19 and 20 of Public Law 98–213 (97 Stat. 1464) authorize the President, subject to certain limitations, to provide by proclamation that requirements "of United States citizenship or nationality provided for in any of the statutes listed on pages 63–74 of the Interim Report of the Northern Mariana Islands Commission on Federal Laws to the Congress of the United States, dated January 1982 and submitted pursuant to section 504 of the Covenant, shall not be applicable to the citizens of the Northern Mariana Islands."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by sections 19 and 20 of Public Law 98–213, do hereby proclaim as follows:

1. *Statutes relating to the uniformed services.* No requirement of United States citizenship in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands who declare in writing that they do not intend to exercise their option under section 302 of the Covenant to become a national but not a citizen of the United States.

(a) Sections 311, 510, 591, 2004, 2031, 2107, 4348, 6019, 6911, 6958, 6959, 8257, and 9348 of title 10, United States Code;

(b) Sections 195, 371, 706, and 823 of title 14, United States Code; and

(c) Section 313 of title 32, United States Code.

2. *Statutes relating to Federal employment.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Sections 5342, 5343, 5561, 5595, 5912, 5922, 6301, 7103, 7532, 8171, 8501, 8701, and 8901 of title 5, United States Code;

(b) Section 22 of title 13, United States Code;

(c) Section 2 of Public Law 86–91, 73 Stat. 213 (20 U.S.C. 901);

(d) Section 636 of Public Law 87–195, 75 Stat. 457, as amended (22 U.S.C. 2396);

(e) Sections 5 and 6 of Public Law 87–293, 75 Stat. 613, 615, as amended (22 U.S.C. 2504 and 2505);

(f) Section 15 of Public Law 90–202, as added by section 28(b)(2) of Public Law 93–259, 88 Stat. 74, and as amended (29 U.S.C. 633a);

(g) Sections 235 and 4105 of title 38, United States Code;

(h) Section 203 of the Act of July 1, 1944, c.373, 58 Stat. 683, as amended (42 U.S.C. 204); and

(i) Civil Service Rules VII and VIII (5 C.F.R. parts 7 and 8).

3. *Statutes relating to protection and services in foreign countries.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Section 1486 of title 10, United States Code;

(b) Section 3(g) of the Act of August 1, 1956, c.841, 70 Stat. 890 (22 U.S.C. 2670(g));

(c) Sections 1734 and 1737 of the Revised Statutes of 1878, as amended (22 U.S.C. 4217 and 4218);

(d) Sections 1305 and 3342 of title 31, United States Code;

(e) Section 4295 of the Revised Statutes of 1878 (33 U.S.C. 383); and

(f) Section 1113 of the Act of August 14, 1935, c.531, as added by section 302 of Public Law 87–64, 75 Stat. 142, and as amended (42 U.S.C. 1313).

4. *Statutes relating to commerce.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Sections 302, 310D, 311, and 321 of Public Law 87–128, 75 Stat. 307, as added and amended (7 U.S.C. 1922, 1934, 1941, and 1961);

(b) Section 5146 of the Revised Statutes of 1878, as amended (12 U.S.C. 72);

(c) Subsection (a) of section 25 of the Act of December 23, 1913, c.6, as added by the Act of December 24, 1919, c.18, 41 Stat. 378, and as amended (12 U.S.C. 619);

(d) Subsection (a) of section 7 of the Act of July 22, 1932, c.522, 47 Stat. 730, as amended (12 U.S.C. 1427(a));

(e) Subsection (b) of section 5.1 of Public Law 92–181, 85 Stat. 614 (12 U.S.C. 2222);

(f) Subsection (i) of section 44 of the Act of July 5, 1946, c.540, 60 Stat. 443, as amended (15 U.S.C. 1126(i));

(g) Subsection (b)(7) of section 4 of the Act of August 8, 1956, c.1036, 70 Stat. 1121, as amended (16 U.S.C. 742c(b)(7));

(h) Subsection (e) of section 4 of the Act of June 10, 1920, c.285, 41 Stat. 1065, as amended (16 U.S.C. 797(e));

(i) Section 104(b) of title 17, United States Code;

(j) Subsection (a) of section 526 of the Act of June 17, 1930, c.497, 46 Stat. 741, as amended (19 U.S.C. 1526(a));

(k) Subsection (a)(5) of section 2 of the Act of June 20, 1936, c.638, 49 Stat. 1559, as amended (20 U.S.C. 107a(a)(5));

(l) Section 238 of Public Law 87–195, as added by section 105 of Public Law 91–175, 83 Stat. 816, and as amended (22 U.S.C. 2198);

(m) Subsection (b)(7) of section 622 of Public Law 96–294, 94 Stat. 766 (30 U.S.C. 1522(b)(7));

(n) Subsection (5) of section 3 of Public Law 93–627, 88 Stat. 2127 (33 U.S.C. 1502(5));

(o) Subsection (f)(3) of section 514 of the Act of July 15, 1949, c.338, as added by subsection (a) of section 804 of Public Law 87–70, 75 Stat. 186, and as amended (42 U.S.C. 1484(f)(3));

(p) Subsection (d) of section 103 and subsection (d) of section 104 of the Act of August 1, 1946, c.724, as added by section 1 of the Act of August 30, 1954, c.1073, 68 Stat. 936 and as amended (42 U.S.C. 2133(d) and 2134(d));

(q) Subsection (b)(2)(A) of section 7 of Public Law 93–577, 88 Stat. 1884 (42 U.S.C. 5906(b)(2)(A));

(r) Subsection (p)(1) of section 19 of Public Law 93–577, as added by subsection (b) of section 207 of Public Law 95–238, 92 Stat. 61 (42 U.S.C. 5919(p)(1));

(s) Subsection (b) of section 179 of Public Law 96–294, 94 Stat. 679 (42 U.S.C. 8779(b)(4));

(t) Subsection (a)(3) of section 2, subsection (18) of section 3, section 101, and subsection (e)(2)(C) of section 108 of Public Law 96–320, 94 Stat. 974, 976, 987 (42 U.S.C. 9101(a)(3); 9102(18); 9111; and 9118(e)(2)(C));

(u) Section 4219 of the Revised Statutes of 1878, as amended (46 U.S.C. App. 121);

(v) Sections 7102 and 8103 of title 46, United States Code;

(w) Section 4377 of the Revised Statutes of 1878, as amended (46 U.S.C. App. 325);

(x) Section 36 of the Act of September 7, 1916, c.451, 39 Stat. 738 (46 U.S.C. App. 834);

(y) Sections 501, 509, 601, 809(a), of the Act of June 29, 1936, c.858, 49 Stat. 1995, 2000, 2001, 2015, as amended (46 U.S.C. App. 1151, 1159, 1171, 1213);

(z) Sections 1103 and 1104 of the Act of June 23, 1938, c.600, 52 Stat. 969, 970, as added and amended (46 U.S.C. App. 1273 and 1274);

(aa) Subsection (a) of section 203 of Public Law 96–320, 94 Stat. 992 (46 U.S.C. App. 1279c(a));

(bb) Sections 1201 and 1203 of the Act of June 29, 1936, c.858, as added by the Act of September 7, 1950, c.906, 64 Stat. 773, and as amended (46 U.S.C. App. 1281 and 1283);

(cc) Sections 1301, 1303, 1304, and 1306 of Public Law 96–453, 94 Stat. 1997, 1998, 2003, 2006 (46 U.S.C. App. 1295, 1295b, 1295c, and 1295e);

(dd) Subsection (16) of section 101, section 104, subsection (d)(4) of section 401, and section 418 of Public Law 85–726, 72 Stat. 738, 740, 754, as added and amended (49 U.S.C. 1301(16), 1304, and 1371(d)(4));

(ee) Section 418 of Public Law 85–726, as added by subsection (a) of section 17 of Public Law 95–163, 91 Stat. 1284, and as amended (49 U.S.C. 1388); and

(ff) Sections 501, 602, and 1303 of Public Law 85–726, 72 Stat. 771, 776, 801, as amended (49 U.S.C. 1401, 1422, and 1533).

5. *Statutes relating to political and civil rights.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands, provided, however, that nothing herein shall be construed to confer upon citizens of the Northern Mariana Islands the right to vote in Federal, State, or local elections outside the Northern Mariana Islands, or to serve on juries outside of the Northern Mariana Islands.

(a) Section 319 of Public Law 92–225, as added by subsection (2) of section 112 of Public Law 94–283, 90 Stat. 486, and as redesignated by subsection (5) of section 105 of Public Law 96–187, 93 Stat. 1354 (2 U.S.C. 441e);

(b) Section 552a(a)(2) of title 5, United States Code;

(c) Sections 241 and 243, subsection (b)(5) of section 245, and subsection (a) of section 4001 of title 18, United States Code;

(d) Sections 4080 and 4081 of the Revised Statutes of 1878, as amended (22 U.S.C. 257 and 258);

(e) Subsection (b)(2) of section 1 of the Act of June 8, 1938, c.327, 52 Stat. 631, as amended (22 U.S.C. 611(b)(2));

(f) Sections 1332, 1343, 1344, 1391, 1443, 1861, 1862, and 1863 of title 28, United States Code;

(g) Section 505 of the Act of June 30, 1948, c.758, as added by section 2 of Public Law 92–500, 86 Stat. 888 (33 U.S.C. 1365);

(h) Subsection (a)(1) of section 2004 of the Revised Statutes of 1878, as amended (42 U.S.C. 1971(a)(1));

(i) Section 2, subsection (b) of section 3, section 4, and subsection (a) of section 10 of Public Law 89–110, as amended, 79 Stat. 437, 438, 442 (42 U.S.C. 1973, 1973a(b), 1973b, and 1973h(a));

(j) Subsection (a) of section 201 of Public Law 89–110, as added by section 6 of Public Law 91–285, 84 Stat. 315, and as amended (42 U.S.C. 1973aa(a));

(k) Section 203 of Public Law 89–110, as added by section 301 of Public Law 94–73, 89 Stat. 402 (42 U.S.C. 1973aa–1a);

(l) Section 5 of Public Law 98–183, 97 Stat. 1304 (42 U.S.C. 1975c);

(m) Section 1979 of the Revised Statutes of 1878, as amended (42 U.S.C. 1983);

(n) Section 1980 of the Revised Statutes of 1878 (42 U.S.C. 1985);

(o) Section 702 of Public Law 88–352, 78 Stat. 255, as amended (42 U.S.C. 2000e–1);

(p) Section 717 of Public Law 88–352, as added and amended by section 11 of Public Law 92–261, 86 Stat. 111 (42 U.S.C. 2000e–16);

(q) Section 2 of the Act of March 2, 1917, c.145, 39 Stat. 951, as amended (48 U.S.C. 737);

(r) Subsection (i) of section 101 of Public Law 95–511, 92 Stat. 1783 (50 U.S.C. 1801);

(s) Subsection (b)(3) of section 10 of the Act of June 24, 1948, c.625, 62 Stat. 619, as amended (50 U.S.C. App. 460(b)(3));

(t) Section 104 of the Act of October 17, 1940, c.888, as added by section 4 of the Act of October 6, 1942, c.581, 56 Stat. 770 (50 U.S.C. App. 514); and

(u) Section 512 of the Act of October 17, 1940, c.888, 54 Stat. 1190, as amended (50 U.S.C. App. 572).

6. *Statutes relating to Federal programs and benefits.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Subsection (a) of section 2545 of title 10, United States Code;

(b) Subsection (m)(2) of section 2[3] of the Act of September 21, 1950, c.967, as added by section 6(c)(4) of Public Law 95–369, 92 Stat. 614 (12 U.S.C. 1813(m)(2));

(c) Subsection (b) of section 500 of title 14, United States Code;

(d) Paragraphs (4) and (5) of subsection (a) of section 4 of Public Law 88–578, as added by section 2 of Public Law 92–347, 86 Stat. 459, as amended, and by subsection (2) of section 9 of Public Law 96–344, 94 Stat. 1135 (16 U.S.C. 460*l*–6a(a)(4) and (5));

(e) Section 29 of the Act of August 1, 1956, c.841, as added by section 2201 of Public Law 96–465, 94 Stat. 2154 (22 U.S.C. 2701);

(f) Subsection (g) of section 9 of the Act of March 4, 1927, c.509, 44 Stat. 1430, as amended (33 U.S.C. 909(g));

(g) Subsection (b) of section 624 of title 38, United States Code;

(h) Subsection (b)(12) of section 788, of the Act of July 1, 1944, c.373, as added by subsection (a) of section 801 of Public Law 94–484, 90 Stat. 2318, as amended (42 U.S.C. 295g–8(b)(12));

(i) Subsection (b)(3) of section 2 and section 4 of the Act of August 14, 1935, c.531, 49 Stat. 620, 622, as amended (42 U.S.C. 302(b)(3) and 304);

(j) Subsection (t) of section 202 of the Act of August 14, 1935, c.531, as added by subsection (a) of section 118 of the Act of August 1, 1956, c.836, 70 Stat. 835, and as amended (42 U.S.C. 402(t));

(k) Subsection (a)(4) of section 103 of Public Law 89–97, 79 Stat. 333, as amended (42 U.S.C. 426a(a)(4));

(l) Subsection (a)(3) of section 228 of the Act of August 14, 1935, c.531, as added by subsection (a) of section 302 of Public Law 89–368, 80 Stat. 67, as amended (42 U.S.C. 428(a)(3));

(m) Subsection (b)(2) of section 1002 and section 1004 of the Act of August 14, 1935, c.531, 49 Stat. 646, as amended (42 U.S.C. 1202(b)(2) and 1204);

(n) Subsection (b)(2) of section 1402 and section 1404 of the Act of August 14, 1935, c.531, as added by section 351 of the Act of August 28, 1950, c.809, 64 Stat. 555 (42 U.S.C. 1352(b)(2) and 1354);

(o) Subsection (b) of section 2 of the Act of August 16, 1941, c.357, 55 Stat. 623 (42 U.S.C. 1652(b));

(p) Subsection (c) of section 101 of the Act of December 2, 1942, c.668, 56 Stat. 1028, as amended (42 U.S.C. 1701(c));

(q) Section 10 of the Act of May 10, 1950, c.171, 64 Stat. 152, as amended (42 U.S.C. 1869);

(r) Subsection (c) of section 2 of Public Law 86–209, 73 Stat. 431 (42 U.S.C. 1881(c)); and

(s) Section 2 of the Act of August 3, 1950, c.520, 64 Stat. 397 (42 U.S.C. 1922).

7. As used in this Proclamation:

(a) "Covenant" means the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by the Joint Resolution of March 24, 1976 (90 Stat. 263, 48 U.S.C. 1681, note).

(b) "Citizen of the Northern Mariana Islands" means a citizen of the Trust Territory of the Pacific Islands and his or her children under the age of eighteen years, who does not owe allegiance to any foreign state, and who—

(1) was born in the Northern Mariana Islands and is physically present in the Northern Mariana Islands or in the United States or any territory or possession thereof; or

(2) has been lawfully and continuously domiciled in the Northern Mariana Islands since January 1, 1974, and, who, unless then under age, was registered to vote in an election for the Mariana Islands legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975.

(c) "Domicile" means that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period.

(d) "Statute which imposes a requirement of United States citizenship or nationality" includes any statute which denies a benefit or imposes a burden or a disability on an alien, his dependents, or his survivors.

8. Upon the establishment of the Commonwealth of the Northern Mariana Islands pursuant to section 1002 of the Covenant, the benefits acquired under this Proclamation shall merge without interruption into those to which the recipient is entitled by virtue of his acquisition of United States citizenship, unless the recipient exercises his privilege under section 302 of the Covenant to become a national but not a citizen of the United States.

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

Ronald Reagan

[FR Doc. 84-16003
Filed 6-11-84; 4:13 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 49, No. 115
Wednesday, June 13, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 717

[Amdt. 4]

Holding of Referenda

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends regulations at 7 CFR Part 717 to provide that return postage paid envelopes will no longer be furnished to producers voting in a referendum which is conducted by mail. These regulations conform with regulations of the United States Postal Service which do not permit the use by Federal agencies of postage paid envelopes for private benefits.

EFFECTIVE DATE: June 13, 1984.

FOR FURTHER INFORMATION CONTACT: Jay S. Poole, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447–2715.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

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

A proposed rule was published in the **Federal Register** on February 3, 1984 (49 FR 4214) which provided that return postage paid envelopes will no longer be furnished to producers voting by mail in a referendum conducted in accordance with the Agricultural Adjustment Act of 1938, as amended.

This rule is necessary to conform with regulations of the United States Postal Service, 39 CFR 111.1, which incorporates by reference § 137.25 of the Domestic Mail Manual (Issue 9, 5–1–82). Section 137.25 provides that Federal agencies may not permit the use of return postage paid envelopes for private benefit.

Comments on Proposed Rule

The Department received two comments from United States Senators relating to the proposed rule which was published in the **Federal Register** on February 3, 1984 (49 FR 4214). The Senators commented that conducting referendums to determine whether marketing quotas shall be in effect for commodities are of public interest and also benefit the public. Therefore, producers voting by mail in commodity referendums should not be required to pay return postage.

The Department, however, remains committed to its determination that allowing producers to vote by mail in commodity referendums is for the producers' benefit. For example, producers of the commodity for which marketing quotas have been established receive price support if the marketing quota is not disapproved by more than one third of those producers voting in the referendum. Therefore, the final rule amends 7 CFR 717.19 to provide that the Agricultural Stabilization and Conservation Service (ASCS) no longer will provide return postage paid envelopes to producers when a commodity referendum is conducted by mail. As an alternative to paying postage, producers voting in such referendum may deliver their ballots to the local county ASCS office in accordance with the provisions of 7 CFR Part 717.

In addition, 7 CFR 717.20 is also revised to conform to the amendment made to § 717.19 to reflect that ASCS no longer will provide return postage paid envelopes to producers when a commodity referendum is conducted by mail.

Final Rule From Proposed Rule

The proposed rule which was published in the **Federal Register** on February 3, 1984 (49 FR 4214), with minor technical changes, is adopted as a final rule.

List of Subjects in 7 CFR Part 717

Marketing quotas, Holding of referenda.

Final Rule

PART 717—[AMENDED]

Accordingly, 7 CFR Part 717 is amended as follows:

1. In § 717.19, paragraph (a) is revised to read as follows:

§ 717.19 Manner of voting.

(a) *Voting procedure.* Each person to whom a ballot is issued by mail or in person may vote in the referendum by marking the ballot so as to indicate clearly how the vote is cast, placing the ballot in a plain envelope, sealing the envelope provided by ASCS which is marked clearly with the voter's name and return address, signing the certification on such envelope or making his mark thereto (which mark shall be witnessed), sealing such envelope, and delivering or mailing the envelope to the offfice of the county committee for the county in which the person is eligible to vote.

* * * * *

2. In § 717.20, the fourth sentence is revised to read as follows:

§ 717.20 Receiving and tabulating voted ballots.

* * * However, no such ballot shall be counted unless the voter signs the certification or his mark is witnessed on the returned envelope, and it is

determined that he is eligible to vote in the particular referendum.

Authority: Secs. 312, 317, 336, 343, 344, 354, 358, 375, 52 Stat. 46, as amended, 79 Stat. 66, 52 Stat. 55, as amended, 56, as amended, 79 Stat. 1197, 52 Stat. 61, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1312, 1314c, 1336, 1343, 1344b, 1354, 1356, 1375.

Signed in Washington, D.C. on June 7, 1984.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 84-15810 Filed 6-12-84; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 908

[(Valencia Orange Reg. 328, Amdt. 1) (Valencia Orange Reg. 329, Amdt. 1) (Valencia Orange Reg. 330)]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Amendment 1 of Regulation 328 increases the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period June 1–7, 1984. Amendment 1 of Regulation 329 increases the quantity of Valencias that may be shipped during the period June 8–14, 1984. Regulation 330 establishes the quantity of Valencia oranges that may be shipped during the period June 15–21, 1984. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the specified periods due to the marketing situation confronting the Valencia orange industry.

DATES: Amended Regulation 328 (§ 908.628) is effective for the period June 1–7, 1984. Amended Regulation 329 (§ 908.629) is effective for the period June 8–14, 1984. Regulation 330 (§ 908.630) becomes effective for the period June 15–21, 1984.

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

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

This final rule is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendments and regulation are based upon the recommendation of and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

The amendments and regulation are consistent with the marketing policy for 1983–84. The marketing policy was recommended by the committee following discussion at a public meeting on February 14, 1984, at Ventura, California. The committee met again publicly on June 5, 1984, to consider current and prospective conditions of supply and demand for California-Arizona Valencia oranges. The committee reports the demand for Valencia oranges is strong. Since there are Valencia oranges available to meet this demand, it is in the interest of producers and consumers to further increase the allotments for the period June 1–7 and June 8–14, 1984. However, it is not expected that this level of demand will be maintained for the period June 15–21, 1984. Therefore, a lower allotment is established for that period.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because of insufficient time between the date when the information became available upon which the regulation and amendments are based and the effective dates necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on these actions at an open meeting, and the amendments relieve restrictions on the handling of Valencia oranges. To effectuate the declared purposes of the Act, it is necessary to make these provisions effective as specified, and handlers have been notified of these actions and their effective dates.

List of Subjects in 7 CFR Part 908

Marketing Agreements and Orders, California, Arizona, Oranges (Valencia).

PART 908 —[AMENDED]

Section 908.628 Valencia Orange Regulation 328 is revised to read as follows:

§ 908.628 Valencia Orange Regulation 328.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period June 1–7, 1984, are established as follows:

(a) *District 1:* 352,500 cartons;

(b) *District 2:* 397,500;

(c) *District 3:* Unlimited cartons.

Section 908.629 Valencia Orange Regulation 329 is revised to read as follows:

§ 908.629 Valencia Orange Regulation 329.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period June 8–14, 1984, are established as follows:

(a) *District 1:* 282,000 cartons;

(b) *District 2:* 318,000 cartons;

(c) *District 3:* Unlimited cartons.

Section 908.630 Valencia Orange Regulation 330 is added to read as follows:

§ 908.630 Valencia Orange Regulation 330.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period June 15–21, 1984, are established as follows:

(a) *District 1:* 205,000;

(b) *District 2;* 295,000 cartons;

(c) *District 3:* Unlimited cartons.

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

Dated: June 7, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-15811 Filed 6-12-84; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Final rule.

SUMMARY: This final rule amends regulations set forth at 7 CFR Part 1464 to implement the provisions of Pub. L. 98–59 (approved July 25, 1983) and the Dairy and Tobacco Adjustment Act of 1983 (Pub. L. 98–180, approved November 29, 1983) with respect to the establishment of the level of price support for the 1983 and subsequent crops of tobacco and approved uses by a tobacco marketing cooperative

association with respect to funds in the association's No Net Cost Tobacco Fund. This rule also amends 7 CFR 1464.10 to provide that application of charges for the late payment of assessments and contributions under the No Net Cost Tobacco Program Act of 1982 shall be assessed in accordance with the regulations set forth at 7 CFR Part 1403.

EFFECTIVE DATE: June 13, 1984.

FOR FURTHER INFORMATION CONTACT: C. Douglas Richardson, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA–ASCS, Washington, D.C., (202) 447–4281.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This final rule implements amendments to the Agricultural Act of 1949 (the 1949 Act) made by Pub. L. 98–59 (approved July 25, 1983), and the Dairy and Tobacco Adjustment Act of 1983 (Pub. L. 98–180, approved November 29, 1983).

7 CFR 1464.3 currently sets forth the manner in which price support levels are determined for eligible kinds of tobacco. This final rule amends 7 CFR 1464.3 to reflect amendments to the 1949 Act which were made by Pub. L. 98–59 and the Dairy and Tobacco Adjustment Act of 1983. Pub. L. 98–59 amended section 106 of the 1949 Act to provide that the price support level for all kinds of 1983 crop tobacco shall be the same level at which the respective 1982 crop of such tobacco was supported. The Dairy and Tobacco Adjustment Act of 1983 amended section 106 of the 1949 Act to provide specific formulas for determining price support levels for the 1984 and subsequent crops of tobacco. 7 CFR 1464.3 is amended accordingly.

The Dairy and Tobacco Adjustment Act of 1983 amended Section 106B of the 1949 Act to permit a producer-owned cooperative marketing association that has entered into an agreement with CCC to make price support available to producers of flue-cured tobacco to request that the Secretary establish a No Net Tobacco Account within CCC to which producer assessments would be paid in lieu of establishing a No Net Cost Tobacco Fund within the association. 7 CFR 1464.10 is amended accordingly.

The Dairy and Tobacco Adjustment Act of 1983 also amended section 106 of the 1949 Act to provide that a producer-owned tobacco marketing cooperative association may use its No Net Cost Tobacco Fund: (a) To reduce the association's outstanding indebtedness to CCC with respect to 1982 and subsequent crops of tobacco, (b) to make loan advances to producers, and (c) for other purposes that would be mutually beneficial to producers and CCC if approved by the Secretary. 7 CFR 1464.10 is amended accordingly.

Those persons responsible for collecting No Net Cost Tobacco Program assessments and contributions are subject to late payment charges which may be assessed by CCC. This rule amends 7 CFR Part 1464.10 to conform to the regulations set forth at 7 CFR 1403 which provide the manner in which CCC assesses late payment charges.

Since the only purpose of this rule is to implement changes to 7 CFR Part 1464 which are required by amendments to the Agricultural Act of 1949 and to conform 7 CFR Part 1464 with 7 CFR Part 1403, it has been determined that no further public rulemaking is required. Accordingly, this rule shall become effective upon date of publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1464

Price support programs, Tobacco.

Final Rule

PART 1464—[AMENDED]

Accordingly, 7 CFR Part 1464 is amended as follows:

1. The authority citation is revised to read:

Authority: Secs. 4 and 5, 62 Stat. 1070 as amended, 1072, as amended, 15 U.S.C. 714b, 714c, secs. 101, 106, 106A, 401, 403, 63 Stat. 1051, as amended, 74 Stat. 6 as amended, 96 Stat. 197, as amended, 63 Stat. 1054, as amended, 7 U.S.C. 1441, 1445, 1445–1, 1421, 1423.

2. Section 1464.3 is amended by redesignating paragraph (c) as paragraph (e) and adding new paragraphs (c) and (d) as follows:

§ 1464.3 Level of price support.

* * * * *

(c) Nothwithstanding the foregoing paragraph of this section:

(1) For the 1983 crop of any kind of tobacco for which marketing quotas are in effect or for which marketing quotas are not disapproved by producers the support level in cents per pound shall be the support level in cents per pound at which the respective 1982 crop was supported.

(2) For the 1984 crop of flue-cured tobacco, the support level shall be the level in cents per pound at which the 1982 crop was supported.

(3) For the 1985 crop of flue-cured tobacco, the support level shall be the level in cents per pound at which the 1982 crop was supported, plus or minus, respectively, the amount by which (i) the support level for the 1985 crop, as determined under paragraph (a) of this section, is greater or less than (ii) the support level for the 1984 crop, as determined under paragraph (a) of this section, as that difference may be adjusted by the Secretary under paragraph (b) of this section if the support level determined under paragraph (c)(3)(i) of this section is greater than the support level determined under paragraph (c)(3)(ii) of this section, except that the support level for the 1985 crop shall be the level in cents per pound at which the 1982 crop was supported if the support level determined under paragraph (a) of this section for the 1985 crop would not be more than 5 percent greater than the support level determined under paragraph (a) of this section for the 1984 crop.

(4) For the 1984 crop of any kind of tobacco (other than flue-cured tobacco) for which marketing quotas are in effect or are not disapproved by producers and for the 1985 crop of any kind of tobacco (other than flue-cured and burley tobacco) for which marketing quotas are in effect or are not disapproved by producers, the Secretary shall establish the support level at such level as will not narrow the normal price support

differential between flue-cured tobacco and such other kind of tobacco. Before establishing the support level under this paragraph for any such kind of tobacco the Secretary shall publish in the **Federal Register** a notice of the level the Secretary proposes to establish and give an opportunity for the public to comment on the proposal. In determining the level to be established under this paragraph for a particular kind of tobacco, the Secretary shall take into consideration the cost of producing such kind of tobacco, the supply and demand conditions for such kind of tobacco, the comments received in response to the public notice of the proposal, and such other relevant factors as the Secretary determines appropriate.

(5) For the 1985 crop of burley tobacco and for the 1986 and each subsequent crop of any kind of tobacco for which marketing quotas are in effect or are not disapproved by producers, the support level shall be the level in cents per pound at which the immediately preceding crop was supported (or if the level for that crop was adjusted under paragraph (d) of this section, the level at which such crop would have been supported without regard to any adjustment under paragraph (d) of this section), plus or minus, respectively, the amount by which: (i) The support level for the crop for which the determination is being made, as determined under paragraph (a) of this section, is greater or less than (ii) the support level for the immediately preceding crop, as determined under paragraph (a) of this section, as that difference may be adjusted by the Secretary under paragraph (b) of this section if the support level under paragraph (c)(5)(i) of this section is greater than the support level under paragraph (c)(5)(ii) of this section.

(d)(1) Except as provided in paragraph (d)(2) of this section, notwithstanding the provisions of paragraphs (b) and (c) of this section and section 403 of the Agricultural Act of 1949, as amended, the Secretary, if requested by the board of directors of the association through which price support for flue-cured tobacco is made available to producers, may:

(i) Designate for any crop certain grades of flue-cured tobacco that are eligible for price support (but representing in the aggregate not more than 25 per centum of the total quantity of the flue-cured tobacco crop that the Secretary estimates will be produced) that the Secretary determines are of such quantity or quality as to impair their marketability, and

(ii) Without regard to the weighted average of the support rates for eligible grades of flue-cured tobacco determined under paragraph (b) of this section, further reduce the support rates for such grades to the extent the Secretary deems necessary to reflect their market value, but in no event by more than 12 percent of the respective support rates that would otherwise be established under this section.

(2) Any reduction in the support rates for grades of flue-cured tobacco under paragraph (d)(1) of this section shall not be considered in determining the support levels for subsequent years.

* * * * *

3. In § 1464.10, paragraphs (a)(1) and (c)(1) are amended by removing the words "(except Flue-cured)"; paragraph (b)(5) is amended by removing the words "and subsequent crops" and inserting in their place the words "crop only"; and paragraphs (b)(6) and (d)(2) are revised to read as follows:

§ 1464.10 No net cost tobacco fund or account.

* * * * *

(b) * * *

(6) All contributions shall, insofar as practicable, be deposited immediately into the association's Fund. The Fund shall be used exclusively, as prescribed by the Secretary, for the purpose of ensuring, insofar as practicable, that CCC, under its loan agreements with the association with respect to 1982 and subsequent crops of quota tobacco, will suffer no net losses (including, but not limited to, recovery of the amount of loans extended to cover the overhead costs of the association) after any net gains are applied to net losses of CCC under paragraph (f)(1) of this section: *Provided*, That, notwithstanding any other provision of this section, use by the association of moneys in the Fund, including interest and other earnings, for the purposes of reducing the association's outstanding indebtedness to the Corporation associated with 1982 and subsequent crops of quota tobacco and making loan advances to producers is authorized, and use of such moneys for any other purposes that will be mutually beneficial to producers who contribute to the Fund and to the Corporation, shall, if approved by the Secretary, be considered an appropriate use of the Fund.

* * * * *

(d) * * *

(2) Persons responsible for collecting the marketing assessments or contributions as required by this section shall remit such collections to the applicable Association or State ASCS office on the last day of the week in which such collections are due. A late payment charge shall be assessed with respect to any responsible person's obligation that is due but which is submitted late. Such late payment charge shall be calculated and assessed in accordance with the provisions of 7 CFR Part 1403.

* * * * *

Signed at Washington, D.C. on June 7, 1984.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 84-15808 Filed 6-12-84; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF ENERGY

10 CFR Part 840

Extraordinary Nuclear Occurrences

Correction

In FR Doc. 84-13545 beginning on page 21472 in the issue of Monday, May 21, 1984, make the following correction:

§ 840.4 [Corrected]

On page 21474, second column, the table at the bottom of the page, Total Surface Contamination Levels [1], second column heading, "Column 1—Offsite property" should read "Column 1—Offsite property [2]".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 635

Contract Procedures; Bonus Payments: Rescission of Regulation

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescission of regulation.

SUMMARY: This document rescinds the FHWA regulation on bonus payments because the prohibition against such payments is no longer warranted. This action is in accordance with the current policy to remove where practical, all excessive or extraneous regulations and red tape. Current studies show that bonus payments have in fact been cost-effective under some circumstances. In addition, this recission would have the effect of reducing the time required to complete some highway projects consistent with the objectives of section 129 of the Surface Transportation Act of 1982. The Federal Highway Administrator finds that there is no

reason to continue the restriction on bonus payments, and that the prohibition should be removed immediately noting that bonus payments are presently only approved as experimental features requiring excessive paperwork.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. P. E. Cunningham, Chief, Construction and Maintenance Division, (202) 426–0392, or Michael J. Laska, Office of the Chief Counsel, (202) 426–0762, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: The regulation on bonus payments contained in 23 CFR Part 635 was first published in a June 28, 1968, FWHA Policy and Procedures Memorandum 21–6.3. The FHWA established that it was its policy not to participate, directly or indirectly, in any part of a bonus to the contractor for completing a project in advance of the time specified. It was FHWA's position at that time that a bonus of such nature was of doubtful value, and so susceptible to abuse that it could rarely be justified. Policy and Procedures Memorandum 21–6.3 was revised and ultimately included in 23 CFR Part 635, Subpart A. The bonus payment prohibition contained in § 635.118 is thus administrative and not mandated by statute.

The FHWA initiated the National Experimental and Evaluation Program Project No. 24, on July 15, 1977. The objective was to evaluate the use of incentive and disincentive (I/D) provisions in expediting the completion of Federal-aid highway construction projects. The evaluation showed that these provisions were not abused, but rather that they were a valuable construction tool and were cost-justified. The I/D provisions were found to be most effective for 4R, bridge reconstruction, or other projects where traffic inconvenience and delays become significant. Under any circumstances, we expect that incentive payments will continue to be used primarily on 4R and bridge reconstruction projects where past experience has shown in some cases they are cost-effective in reducing traffic inconvenience and delays. On other types of projects, they should be used only when an analysis indicates that their use would be in the public interest, and that the benefits in cost savings and/or increased safety would outweigh the cost of the incentive payments.

The I/D concept is a predetermined method of scheduling payments that compensate the contractor a certain amount of money for each day the work is completed ahead of schedule and makes a deduction for each day the contractor overruns the completion date. The I/D provisions have been proven to be effective in reducing the contract completion time. The increase in costs due to use of I/D provisions (double shifts, overtime pay, etc.) has been more than offset by: (1) Reducing inflationary costs. (2) minimizing inconvenience to the traveling public caused by delays, (3) increasing safety through the construction zone, (4) reducing expenses associated with maintaining traffic control during construction, and (5) reducing the costs of project administration and inspection. The FHWA is therefore rescinding its regulation on bonus payments noting that the policy prohibiting those payments to contractors for completion of the contract in advance of the time specified is no longer warranted. At this time, the FHWA is providing general guidance to its field offices advising them on the appropriate use of bonus payments now that the policy prohibiting them has been rescinded. After a period of experience, more detailed direction will be provided as appropriate.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or significant regulation under the regulatory policies and procedures of the Department of Transportation. Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action could result in the receipt of useful information. As discussed previously, the economic impact of this rulemaking action will be minimal, since such economic impact as will occur was determined to be cost beneficial as documented through the National Experimental and Evaluation Program and/or other actual contract experience. Accordingly, a full regulatory evaluation is not required. For the foregoing reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 23 CFR Part 635

Government contracts, Grant programs—transportation, Highways and roads.

PART 635—CONSTRUCTION AND MAINTENANCE

Subpart A—Contract Procedures

§ 635.118 [Removed]

In consideration of the foregoing, the FHWA hereby amends Part 635, Subpart A of Title 23, Code of Federal Regulations, by removing § 635.118 "Bonus Payments."

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12373 regarding intergovernmental consultation on Federal programs and activities apply to this program)

(23 U.S.C. 315; 49 CFR 1.48(b))

Issued on: June 6, 1984.

L. P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 84–15803 Filed 6–12–84; 8:45 am]

BILLING CODE 4910–22–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[(PP OF2331/R569A); PH–FRL 2603–3]

Pesticide Programs; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Imazalil; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This rule corrects the entry for the raw agricultural commodity "citrus fruit" in 40 CFR 180.413. The commodity should read "citrus fruit (postharvest) * * *."

EFFECTIVE DATE: Effective on June 22, 1983.

FOR FURTHER INFORMATION CONTACT: By mail: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 229, CM #2, Registration Division (TS–767C), Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of April 22, 1980 (45 FR 27009) which announced that Janssen R&D, Inc., 501 George St., New Brunswick, NJ 08903, had filed pesticide petition 0F2331

proposing to amend 40 CFR Part 180 by establishing a tolerance for residues of the fungicide imazalil (1-[2-[2,4-dichlorophenyl]-2-[2-propenyloxy]ethyl]-1*H*-imidazole) resulting from postharvest application in or on the crop grouping citrus fruit at 10.0 parts per million (ppm).

In FR Doc. 83-16538 of June 22, 1983 (47 FR 28442), EPA amended 40 CFR Part 180 in response to pesticide petition 0F2331. In the final rule, the commodity was inadvertently given as "citrus fruit" rather than "citrus fruit (postharvest)" as originally proposed. The regulation is corrected to identify the raw agricultural commodity as "citrus fruit (postharvest) * * *."

List of Subjects in 40 CFR Part 180

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

Dated: May 25, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.413(a) is amended by revising the entry for citrus fruit to read as follows:

§ 180.413 Imazalil; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Citrus fruit (postharvest)	10.0
* * * * *	

[FR Doc. 84-15281 Filed 6-12-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[(PP 2F2651/R669); PH-FRL 2603-2]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide imazalil and its metabolites in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels for the combined residues of imazalil was requested in a petition submitted by Janssen R & D, Inc.

EFFECTIVE DATE: Effective on June 13, 1984.

ADDRESS: Written objections, identified by the document control number [PP 2F2651/R669], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 229, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of April 14, 1982 (47 FR 16094), which announced that Janssen R & D Inc., 501 George St., New Brunswick, NJ 08903, had submitted pesticide petition 2F2651 to EPA which proposed to amend 40 CFR 180.413 by establishing tolerances for the combined residues of the fungicide imazalil (1-[2-(2,4-dichlorophenyl)-2(2-propenyloxy)ethyl]-1*H*-imidazole) resulting from seed treatment in or on cottonseed; the forage, grain, and straw of barley and wheat at 0.02 part per million (ppm).

The petition was subsequently amended (49 FR 17809; April 25, 1984) to include in the tolerance expression its metabolite 1-(2-4-dichlorophenyl)-2-(1*H*-imidazole-1-yl)-1-ethanol and increasing the tolerance levels for cottonseed, grain of barley and wheat from 0.02 to 0.05 ppm; the straw of barley and wheat from 0.02 to 2.0 ppm; and deleting the proposed tolerances for the forage of barley and wheat.

There were no comments received in response to the notices of filing.

The data submitted in the petitions and other relevant material have been evaluated. The scientific data considered in support of the tolerances include a 2-year rat chronic feeding study with a no-observed effect level (NOEL) of 3 mg/kg (male) and 3.8 mg/kg (female); a mouse oncogenicity study which was negative for oncogenic effects under the conditions of the study up to and including the highest dose tested of 40 mg/kg; a rat oncogenicity study which was negative for oncogenic effects up to and including the highest doses tested of 24 mg/kg (male) and 28.8 mg/kg (female); a 2-year dog chronic feeding study with a NOEL of 1.25 mg/kg; a 3-generation rat reproduction study with a NOEL of 800 ppm (40 mg/kg/day, highest dose tested); and a dominant lethal mutagenicity study in the mouse, negative at 160 mg/kg (highest dose tested).

A teratology study in the second species has not been submitted to the Agency.

The acceptable daily intake (ADI), based on the 2-year dog chronic feeding study (NOEL of 1.25 mg/kg) and using a 100-fold safety factor is calculated to be 0.0125 mg/kg/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.7500 mg/kg.

Published tolerances result in a theoretical maximum residue contribution (TMRC) of 0.5934 mg/day (1.5 kg) for a 60-kg person and will utilize 79.13 percent of the ADI. These additional tolerances result in a 0.0032 mg/kg increase in the TMRC and a 0.42 percent increase in the present ADI utilized.

There are no regulatory actions pending against the continued registration of imazalil. The metabolism of imazalil and its metabolite is adequately understood, and an adequate analytical method, gas chromatography, is available for enforcement purposes. The established meat and milk tolerances are adequate to cover any secondary residues resulting in these commodities. There are no reasonable expectations of secondary residues in poultry and eggs from the use.

Based on the information submitted, the Agency has determined that the establishment of the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification

statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

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

Dated: May 25, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.413(a) is amended by adding, and alphabetically inserting, the following raw agricultural commodities to read as follows:

§ 180.413 Imazalil; tolerances for residues.

(a)* * *

Commodities	Parts per million
* * * * *	
Barley, grain	0.05
Barley, straw	0.05
* * * * *	
Cottonseed	0.05
Wheat, grain	0.05
Wheat, straw	0.05
* * * * *	

[FR Doc. 84-15282 Filed 6-12-84; 8:45 am]

BILLING CODE 6560-50-M

[OSW-FRL 2606-7]

40 CFR Part 271

Mississippi; Decision on Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Mississippi's application for final authorization.

SUMMARY: This notice announces EPA's decision to grant final authorization to the State of Mississippi to operate its hazardous waste program in lieu of the Federal program. EPA has reviewed Mississippi's application and has reached a final determination that Mississippi's hazardous waste program satisfies all of the requirements necessary for final authorization. This means that Mississippi now has the responsibility for permitting treatment, storage and disposal facilities within its borders and for carrying out all other aspects of the Resource Conservation and Recovery Act (RCRA) program. Mississippi also has primary enforcement responsibility, although EPA retains the right to take enforcement action under Section 3008 of RCRA.

EFFECTIVE DATE: Final Authorization for Mississippi shall be effective at 1:00 p.m. on June 27, 1984.

FOR FURTHER INFORMATION CONTACT: Allan E. Antley, Chief, Waste Planning Section, Residuals Management Branch, Air and Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365, (404) 881-3016.

SUPPLEMENTARY INFORMATION: Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows the Environmental Protection Agency (EPA) to authorize state hazardous waste management programs to operate in the state in lieu of the Federal program. To qualify for final authorization, a State's program must: (1) Be "equivalent" to the Federal program, (2) be consistent with the Federal program and other State programs, and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6226(b)).

On December 22, 1983, Mississippi submitted a complete application to obtain final authorization to administer an RCRA program. On March 19, 1984, EPA published a tentative decision announcing its intent to grant Mississippi final authorization. Further background on the tentative decision appears at 49 *FR* 10131, March 19, 1984.

Along with the tentative determination, EPA announced the availability of the State's application for public review and comment and the date of a public hearing on the application. The public hearing was held on May 1, 1984. At the public hearing, one commenter questioned the State's objectivity and the policy of working closely with various facilities during the permitting process. This is not contrary to Agency policy which encourages the states to work closely with the regulated community in order to familiarize them with the complex permit requirements. Another commenter spoke against a proposed landfill facility, but this comment did not pertain to final state authorization.

To date, all RCRA hazardous waste management permits in Mississippi have been issued by the State under the authority granted to the State during interim authorization. Therefore, there will be no change in the status of permits or permitting authority on the effective date of this rule.

Mississippi is not authorized by the Federal government to operate the RCRA program on Indian Lands and this authority will remain with EPA.

Decision

After reviewing the public comments, I conclude that Mississippi's application for final authorization meets all of the regulatory and statutory requirements established by RCRA. Accordingly, Mississippi is granted final authorization to operate its hazardous waste management program. This means that Mississippi now has the responsibility for permitting treatment, storage and disposal facilities within its borders and for carrying out all other aspects of the RCRA program. Mississippi also has primary enforcement responsibility, although EPA retains the right to take enforcement action under section 3008 of RCRA.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

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

List of Subjects in 40 CFR Part 271

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

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b), and EPA delegation 8-7.

Dated: May 18, 1984.

Howard D. Zeller,

Acting Regional Administrator.

[FR Doc. 84-15823 Filed 6-12-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 87

[FCC 84-255]

Use of VHF Radios by Recreational Boaters; Deletion of Regulations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action deletes the summary of rules pertaining to the use of VHF radios by recreational boaters, contained in a separate subpart of the FCC's regulations. These amendments result from the FCC's program to eliminate unnecessary rules and regulations. This action is intended to remove redundant regulations and reduce printing costs.

EFFECTIVE DATE: June 8, 1984.

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

FOR FURTHER INFORMATION CONTACT: Richard Feser, Private Radio Bureau, (202) 632-7175.

List of Subjects in 47 CFR Part 83

Communications equipment, Marine safety, Reporting requirements.

Order

Deletion of Subpart CC of Part 83 of the Rules concerning the use of VHF marine radio.

Adopted: June 4, 1984.
Released: June 8, 1984.

By the Commission.

1. This Order deletes Subpart CC of Part 83 from the Commission's rules. Subpart CC is a compendium of rules contained elsewhere in Part 83 (Stations on Shipboard in the Maritime Services) concerning the use of VHF marine radio by recreational boaters. This subpart was originally designed to provide recreational boaters with a simple, inexpensive alternative to the requirement to have a copy of Part 83 Subpart CC was made available to the public in a separate booklet. However, the requirement to have a copy of Part 83 has been eliminated for all ship station licensees except those compelled by treaty or statute to be equipped with radio. Therefore, there is little need or value in retaining Subpart CC in the rules.

2. In lieu of this subpart of redundant rules, we will issue a bulletin which will provide recreational boaters with a simple guide to the licensing and operation of VHF marine radio. A bulletin will be less expensive to produce and easier to keep current.

3. Authority for this action is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Because these amendments merely remove redundant rule sections, the substance of which appears elsewhere in Part 83, and neither the substantive nor procedural rights of any Commission licensee will be affected, the public notice, procedure and effective date provisions of 5 U.S.C. 553 are unnecessary and do not apply.

4. In view of the above, it is ordered, that Subpart CC, of Part 83 of the rules is removed as set forth in the attached appendix; effective June 8, 1984.

5. For further information regarding matters covered by this document, contact Richard F. Feser, telephone (202) 632-7175.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Subpart CC—[Removed]

Part 83 is amended by removing Subpart CC, Sections 83.1001 through 83.1022, inclusive.

[FR Doc. 84-15790 Filed 6-12-84; 8:45 am]

BILLING CODE 6712-01-M

NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

49 CFR Parts 700 and 701

Freedom of Information Act Regulations

AGENCY: National Railroad Passenger Corporation (Amtrak).

ACTION: Final rule.

SUMMARY: On April 26, 1983, the National Railroad Passenger Corporation (Amtrak) published regulations at 49 CFR Part 700 establishing the procedures governing requests for records under 5 U.S.C. 552(a)(3). 47 FR 17822. Amtrak is required to comply with the Freedom of Information Act by virtue of a specific provision to that effect at 45 U.S.C. 546(g). Amtrak's regulations were effective upon publication. On April 6, 1984, Amtrak published a Notice of Proposed Rulemaking with a Request for Comments. 49 FR 13719. The comment deadline was June 5, 1984. No comments were received. The purpose of the present rule is to establish today as the effective date for the final rule using the same text as that of the proposed rule.

EFFECTIVE DATE: June 13, 1984.

FOR FURTHER INFORMATION CONTACT: Michelle Lore (Legal Assistant), Amtrak Law Department, 400 North Capitol Street, NW., Washington, D.C. 20001, (202) 383-2812.

SUPPLEMENTARY INFORMATION: On April 6, 1984, Amtrak published a Notice of Proposed Rulemaking with a Request for Comments at 49 FR 13719 to satisfy, in Part 700 of 49 CFR, the requirements of 5 U.S.C. 552(a) (1) and (2) and to renumber as Part 701 of the regulations which had been published on April 26, 1982, at 47 FR 17822. The comment deadline listed in the April 6, 1984, publication was June 5, 1984. No comments were received by Amtrak. The present rule makes final the proposal as it appeared at 49 FR 13719, without any changes.

List of Subjects in 49 CFR Part 700

Freedom of information.

Under the authority of 45 U.S.C. 546(g), Title 49 of the Code of Federal Regulations is amended by the establishment in Chapter VII of a new Part 700, and by the renumbering as Part 701 of what currently appears as Part 700. Any internal references to Part 700 should be changed to Part 701. New Part 700 is added as follows:

PART 700—ORGANIZATION, FUNCTIONING AND AVAILABLE INFORMATION

Sec.

700.1 Purpose.
700.2 Organization and functioning of Amtrak.
700.3 Availability of documents, assistance, and information.

Authority: 5 U.S.C. 552(a) (1), (2).

§ 700.1 Purpose.

This part describes the organization and functioning of Amtrak and the availability to the public of documents and information concerning its policies, procedures and activities.

§ 700.2 Organization and Functioning of Amtrak.

The creation of the National Railroad Passenger Corporation ("Amtrak") was authorized by the Rail Passenger Service Act, as amended, 84 Stat. 1327, 45 U.S.C. 541 *et seq.* ("the Act"). The Act requires that Amtrak be operated and managed as a for-profit corporation, that it be incorporated under the District of Columbia Business Corporation Act, and

subject to the provisions of that statute to the extent not inconsistent with the Act, and that it provide a balanced transportation system by developing, operating, and improving intercity rail passenger service. The Act also states that Amtrak will not be an agency or establishment of the United States Government. Amtrak thus is a corporation created by Congress to compete for the transportation business of the intercity traveller, to the end that the travelling public will have a choice of travel modes. The address of its headquarters is 400 North Capitol Street, NW., Washington, D.C. 20001. Telephone: (202) 383-3000.

(a) *Board of Directors.* Amtrak's major policies are established by its board of directors. The nine members of the board are selected as follows: The Secretary of Transportation serves as an ex-officio member and Amtrak's President, ex-officio, is Chairman of the Board; three members are appointed by the President of the United States and confirmed by the Senate (representing labor, State Governors, and business); two represent commuter authorities and are selected by the President from lists drawn up by those authorities; and two are selected by the Corporation's preferred stockholder, the Department of Transportation.

(b) *Officers and Central Management.* Amtrak is managed by a President and a Management Committee consisting of four Executive Vice Presidents. Reporting to the Executive Vice Presidents are eleven vice presidents representing sales, transportation marketing, planning and development, computer services, labor relations, finance and treasurer, personnel, passenger and operating services, government affairs, operations and maintenance, engineering, and the General Counsel. Areas handled as special matters with the authority of vice presidents, such as corporate communications, safety, real estate, procurement, materials management, police and security, contract administration, and internal audit are supervised by assistant vice presidents and directors.

(c) *Regional and Field Structure.* The need for decentralization of functions in the areas of passenger services and transportation operations has led to the creation of Amtrak's regional and field structure. Field offices are located in major cities such as Baltimore, Philadelphia, New York, Albany, Boston, Chicago, Seattle and Los Angeles. Pursuant to overall policies established at headquarters in Washington, D.C., these offices handle matters like the assignment and scheduling of employees who work on board moving trains; purchase, stowage and preparation of food for dining service; maintentance and rehabilitation of rolling stock; and daily operating arrangements such as the make-up of trains or the cleaning and repairing of cars on trains.

(d) *Route system.* Amtrak's basic route system has been established pursuant to statutory guidelines, and in some cases by specific statutory directive. Out of a route system covering about 23,000 route-miles, Amtrak owns a right-of-way of about 2,600 track miles in the Northeast Corridor (Washington-New York-Boston; New Haven-Springfield; and Philadelphia-Harrisburg) and small segments of track near Albany, New York, and Kalamazoo, Michigan. In the Northeast Corridor Amtrak trains are run by operating crews consisting of Amtrak employees. On other routes, Amtrak operates trains on the tracks of about twenty different privately owned railroads and compensates the railroad for the use of their facilities and for the services of their employees, including engineers, conductors, and maintenance personnel. Those private railroads are responsible for the conditions of the roadbed and for coordinating the flow of traffic over their lines.

(e) *Operations.* Amtrak provides about 250 trains daily, serving about 500 stations in over forty states. Amtrak owns most of its cars and locomotives, some of its stations, and most of its repair facilities. Its capital improvements and almost half of its operating losses are supported principally through Federal financing, with some State, regional and local financial support for some trains and stations. Congress requires Amtrak, to earn revenues equivalent to at least fifty percent of its operating costs, and it currently does so.

(f) *Revenue Production.* The sale of tickets for transportation and accommodations, Amtrak's principal source of revenue, is accomplished through Amtrak ticket agents at stations, travel agencies, and five central reservation offices which service a nationwide telephone network. National Timetables contain basic information about routes, stations, and services.

§ 700.3 Availability of documents, assistance and information.

(a) A member of the public having need for assistance or information concerning any of the matters described in § 700.2 should address his or her concerns in a letter or other written communication directed to the appropriate vice president or to the Director of Corporate Communications. Amtrak will bring such communications to the attention of the appropriate official if they are misdirected in the first instance. Formal requests for "records" under 5 U.S.C. 552(a)(3) of the Freedom of Information Act are to be made in accordance with the provisions of 49 CFR 701.4.

(b) The National Train Timetables described in § 700.2(f) are widely distributed in the continental United States and are available in major cities in Europe, Canada and Mexico. When they are updated (usually in April and October each year) each printing involves about 1,000,000 copies. They are ordinarily available at staffed Amtrak stations and copies are usually kept on hand in the offices of about 9800 travel agents who are authorized to sell Amtrak tickets. A person unable to obtain a copy locally should request one from the Director of Corporate Communications at the Washington, D.C. headquarters. The timetable depicts the major Amtrak train routes on a map of the United States, and most of the remainder of the booklet shows the schedules for specific trains. Several pages are used to offer travel information dealing with the availability of assistance to handicapped travellers, red cap service, purchase of tickets on board, use of credit cards and personal checks, handling of baggage, refunds for unused tickets and similar matters.

(c) Also available to members of the public at most staffed Amtrak stations, and usually maintained in the offices of travel agencies authorized to sell Amtrak tickets, is a copy of the Reservations and Ticketing Manual (RTM) which constitutes a compendium of information governing Amtrak employees in furnishing transportation to the travelling public. It contains substantial segments dedicated to the following topics: Amtrak's computer system and its communication codes; interline service agreements; passenger and baggage services; customer relations functions; reservations policy and procedures; acceptance of checks and credit cards; refunds; missed connection policies; ticketing; accommodations; employee pass travel; location maps for Amtrak stations; and intermodal state maps.

(d) A full statement of Amtrak's tariffs containing the fares for point-to-point travel, regional plan travel and all relevant travel conditions, such as excursions, discounts, family plans, accommodations, etc., is contained in the privately published *Official Railway Guide.* which is available by

subscription from its publisher at 424 West 33rd Street, New York, New York 10001. A copy of the guide can usually be found at each staffed Amtrak station, and at the offices of travel agents authorized to sell Amtrak tickets. Tariff changes which occur between issues of the Guide are published and widely distributed by Amtrak pending their publication in the next issue of the Guide.

(e) Each of the documents described in paragraphs (b) through (d) of this section is available to the public for inspection during regular business hours at the office of Amtrak's Freedom of Information Office at its headquarters at 400 North Capitol Street, NW., Washington, D.C. 20001, and at the office of the Division Manager, Human Resources, in New Haven, Philadelphia, Baltimore, New York, Los Angeles and Chicago. Each document has its own index. Since each index is useful only in connection with the document to which it pertains, and since requests for indices are uncommon, Amtrak has determined that publication of its indices as described in 5 U.S.C. 552(a)(2) would be unnecessary and impracticable.

Paul F. Mickey, Jr.,

Executive Vice President, Law and Public Affairs, National Railroad Passenger Corporation.

[FR Doc 84-15761 Filed 6-12-84; 8:45 am]

BILLING CODE 0000-00-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 40449-4066]

Atlantic Swordfish Fishery

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

ACTION: Interim rule.

SUMMARY: NOAA issues this interim rule to implement a data collection program to provide information needed for further preparation of the Fishery Management Plan for the Atlantic Swordfish Fishery. The intended effect is to determine the total number, gear types, locations, and fishing practices of commercial swordfish vessels.

EFFECTIVE DATE: June 11, 1984 until superseded by regulations implementing the swordfish plan.

ADDRESS: An application for the provisional permit and a copy of the final regulatory impact review may be obtained from Rodney C. Dalton, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Rodney C. Dalton, (813-893-3722), or Patricia Gerrior, (617-281-9356), regarding the observer arrangements.

SUPPLEMENTARY INFORMATION: The South Atlantic, Gulf of Mexico, Caribbean, Mid-Atlantic, and New England Fishery Management Councils (Councils) are preparing the Fishery Management Plan for the Atlantic Swordfish Fishery. Completion of the plan is delayed because of inadequate information on the use of gill nets in the fishery and the number of fishing practices of vessels used off the Atlantic coast, including the Gulf of Mexico and Caribbean, to catch swordfish with the intention to retain for sale. The design of an effective data collection system that minimizes burdens to the fishermen and limits government cost requires obtaining certain information from commercial swordfish fishermen before the plan can be completed.

The Councils requested that the Secretary of Commerce (Secretary) conduct a data collection program to obtain the needed information as prescribed at section 303(e) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended. This authority allows the Secretary to promulgate regulations to implement a data collection program when the Secretary determines that the need is justified.

The Councils identified the information needed to complete the plan as (1) the total number of commercial swordfish vessels, gear types, locations, fishing practices, and capability to accommodate a technician and (2) catch and fishing practices of swordfish vessels using gill nets. Gill nets are used to catch swordfish by a limited number of vessels (i.e., 3-10); however, such use is highly controversial because of the potential for gear conflicts and incidental catch (e.g., billfishes, marine mammals, and sea turtles).

The NOAA Administrator has determined that the information requested by the Councils is justified and will be collected as prescribed in this interim rule. Information provided by fishermen in the survey and as recorded by observers will be confidential in accordance with section 303(e) of the Magnuson Act. Any release to the public of such information will be in aggregate or summary form that does not directly or indirectly disclose the identity or business of any person participating in the survey or the observer program.

All owners or operators of swordfish vessels who will retain swordfish for sale must, within 30 days of the effective date of this rule, have obtained and placed aboard each respective swordfish vessel a provisional permit. Persons catching swordfish with rod and reel only are exempt from this requirement.

To obtain a provisional permit, the vessel owner or operator must provide NMFS with the required information on an application (the survey form) available from the Southeast Regional Director. There is no charge for a provisional permit. This regulation does not control, limit, or restrict the catching or selling of swordfish.

Information on the catches and fishing practices of swordfish vessels using gill nets is requested by the Councils through mandatory placement of observers aboard gillnet vessels for as close as possible to 100 percent of all trips that have and may use gillnet gear in the Atlantic, the Gulf of Mexico and the Caribbean fishery conservation zone.

The proposed rulemaking (49 FR 15585, April 19, 1984) contained a discussion of the need for the collection of information and a description of the information to be collected by a survey and placement of observers on certain swordfish vessels. A 15-day comment period was provided.

Response to Comments

Comment 1. One swordfish fisherman commented that the rule cannot be effective without counting the (swordfish) catches of foreign vessels.

Response. Foreign trawlers and tuna longliners fishing within the fishery conservation zone (FCZ) have incidental catches of swordfish. Retention of swordfish is prohibited so they are returned to the sea. Foreign vessels fishing in the FCZ off the Atlantic coast have complete observer coverage so the catch (and discard) of swordfish is known and made available to the Councils. Therefore, this request involves only information from domestic commercial swordfish vessel operators.

Comment 2. One swordfish fisherman opposes observer coverage and states that (1) 100 percent mandatory coverage of all trips (i.e., by vessels with gill nets aboard) is not cost effective, (2) should not be applied to one gear type (i.e., gill nets), and (3) will provide little data which can be directly related to the objective of the future fishery management plan. He indicated a

willingness to provide data through vessel logbooks on a voluntary basis and suggested a sample of swordfish gillnet trips as an alternative to 100 percent coverage.

Response. The Councils specifically requested that the coverage be "observer coverage on gillnet boats" and "as near to 100 percent coverage as possible;" however, the Councils' request allows for a sample of swordfish gillnet trips if NMFS finds it unnecessary and inappropriate to require observer coverage of a specific swordfish gillnet trip. The Councils emphasized that information on the use of gill nets in the swordfish fishery is necessary in the preparation of the plan. Because the use of swordfish gill nets is contentious, the Councils stipulated that on board observers be used to observe and report on swordfish catch, incidental catch, and conflicts with vessels on fishing gear. The purpose of the observer coverage is to provide needed information to complete the plan, including determination of objectives, rather than to carry out the objectives of the uncompleted plan.

Comment 3. One swordfish fisherman and the national fishing organization commenter expressed reservations about vessels being required to take observers aboard and concern that a vessel captain would be required to assume responsibility for a noncrew member, citing rising costs of protection and indemnity insurance.

Response. Requiring vessel operators to accommodate observers at sea must be justified on the basis that the information to be collected is necessary. The Councils' request for information on swordfish practices through onboard observers was determined to be justified. NMFS recognizes that a vessel operator is ultimately responsible for the vessel and all those on board, including the observer; therefore, the cost of additional insurance will be provided to the vessel owner or operator so that an observer can be covered under the vessel owner-operator's protection and indemnity policy.

Comment 4. One swordfish fisherman saw a problem with the confidentiality of "trade secrets" that could be in the information gathered by the observer.

Response. Any information collected by an observer aboard a vessel or provided to NMFS in a post-trip interview must, in accordance with section 303(e) of the Magnuson Act, be confidential and may be released to the public only in aggregate form, which does not disclose proprietary or confidential information.

Comment 5. A national fishing organization commenter suggested a more effective way to collect the necessary information is that scientists work with fishermen to establish what kinds of information are necessary.

Response. Under the Magnuson Act, a Regional Fishery Management Council(s) is authorized to determine the information necessary for fishery management or for preparing a fishery management plan; therefore, while receiving advice from its Scientific and Statistical Committee and industry advisory panels, the responsible Councils must establish the kinds of information that are necessary.

NMFS invited comments on its proposal to extend the observer coverage to commercial swordfish vessels using fishing gear other than gill nets (i.e., harpoon or longline) if requested by the Councils. No comments were received; however, this provision (at § 630.5(d) of the proposed rule) is removed from the final rule because NMFS has determined that it is not necessary to implement at this time.

Changes From the Proposed Rule

The final rule is clarified as follows:

1. The definition of Center Director in § 630.2 is deleted.
2. A definition of gill net is added in § 630.2.
3. The definition of Regional Director in § 630.2 is revised to clarify the responsibilities of the Southeast and Northeast Regional Directors.
4. Sections 630.4(a) and § 630.5(a) are revised to clarify that the exception from the requirements apply to persons fishing with rod and reel only.
5. Section 630.5(d) is removed as discussed above.
6. Section 630.5(d) is added to clarify the requirement of the vessel owner or operator to provide information in the event that an observer is not provided by NMFS.
7. Section 630.6(b) is added to protect an observer in the conduct of specified duties.

Classification

The NOAA Administrator has determined that the information requested by the Councils is necessary for final preparation of the swordfish plan. Also, he has determined that the rule to implement the data collection program is not major under Executive Order 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. The discussion of these impacts were presented in the preamble to the proposed rule and are not repeated here. Therefore, a regulatory flexibility analysis was not prepared.

This rule contains a collection of information requirement subject to the Paperwork Reduction Act (PRA). The mandatory collection of this information has been approved by the Office of Management and Budget (OMB control number 0648–0149) through August 31, 1985.

The Assistant Administrator for Fisheries, NOAA, determined that the proposed Federal action does not have the potential for a significant effect on the human environment and is exempt from the preparation of an environmental assessment or environmental impact statement.

This rule was determined not to effect the coastal zone of any State having an approved coastal zone management program. The State's agreement is presumed because they either agreed with the determination or did not respond within 45 days.

List of Subjects in 50 CFR Part 630

Fisheries, Reporting and recordkeeping requirements.

Dated: June 8, 1984.

Carment J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR is amended by adding a new Part 630 to read as follows:

PART 630—ATLANTIC SWORDFISH FISHERY

Subpart A—General Provisions

Sec.

630.1 Purpose and scope.
630.2 Definitions.
630.3 Relation to other laws.
630.4 Reporting requirements.
630.5 Vessel and gear identification.
630.6 Prohibitions.
630.7 Facilitation of enforcement.
630.8 Penalties.

Subpart B—Management Measures [Reserved]

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 630.1 Purpose and scope.

(a) The purpose of this part is to implement a data collection program proposed by the South Atlantic, Gulf of Mexico, Caribbean, Mid-Atlantic, and New England Fishery Management Councils (Councils) and approved by the Secretary of Commerce (Secretary) under section 303(e) of the Magnuson

Fishery Conservation and Management Act (Magnuson Act), as amended.

(b) The part provides for collection of information from the swordfish fishery conducted within that portion of the Altantic, the Gulf of Mexico and the Caribbean over which the United States exercises exclusive fishery management authority.

§ 630.2 Definitions.

For the purpose of this part, the following terms mean—

Authorized officer means—

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any certified enforcement agent or special agent of National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Commercial fisherman means a person who sells, trades, or barters any part of his or her catch of fish.

Council means the following Regional Fishery Management Councils—

(a) South Atlantic Fishery Management Council, South Park Building, Suite 306, 1 South Park Circle, Charleston, South Carolina 29407;

(b) New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, Massachusetts 01906;

(c) Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, North and New Streets, Dover, Delaware 19901;

(d) Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918; and

(e) Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5410 West Kennedy Boulevard, Tampa, Florida 33609.

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line each point of which is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research conducted by a scientific research vessel, which involves—

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b), or (c), of this definition.

Fishing vessel means any vessel, boat, ship, or other water craft which is used for, equipped to be used for, or of a type which is normally used for:

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Gill net means a flat net suspended vertically in the water having meshes that entangle the head or other body parts of fish that attempt to pass through the net.

Magnuson Act means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), as amended.

NMFS means the National Marine Fisheries Service.

Observer means any individual placed by NMFS aboard a swordfish vessel selected by NMFS under § 630.5 to observe and report on catches and conflicts with vessels or gear.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means—

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, voyage;

(c) Any person who acts in the capacity of a charterer including, but not limited to, parties to a management agreement, operating agreement or other similar arrangement that bestows control over the destination, function, or cooperation of the vessel; or

(d) Any agent designated as such by any person described in paragraphs (a), (b), or (c) of this definition.

Person means any individual (whether or not a critizen or national of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Regional Director means—

(a) For provisional permits, the Director, or a designee, Southeast Region, NMFS, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702; telephone 813–983–3141; and

(b) For observers, the Director, or a designee, Northeast Region, NMFS, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; telephone 617–281–4965.

Secretary means the Secretary of Commerce, or a designee.

Swordfish means a fish of the species *Xiphias gladius*.

Technician means any individual placed by NMFS aboard a swordfish vessel under the implemented swordfish plan to collect scientific and statistical information on catches and fishing practices.

Vessel of the United States means—

(a) Any vessel documented under the laws of the United States;

(b) Any vessel numbered in accordance with Federal Boat Safety Act of 1971 (46 U.S.C. 1400 *et seq.*) and measuring less than five net tons; or

(c) Any vessel numbered under the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 *et seq.*) and used exclusively for pleasure.

§ 630.3 Relation to other laws.

Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities. The issuance of a provisional permit does not affect the applicability of other statutes and regulations to the operator of the vessel. Certain responsibilities relating to enforcement may be performed by authorized State personnel under a cooperative agreement entered into by the State, the U.S. Coast Guard, and the Secretary.

§ 630.4 Reporting requirements.

Information will be collected by—(a) The owner or operator of a vessel of the United States who will fish for swordfish in the Atlantic, the Gulf of Mexico, and Caribbean FCZ, with harpoon, longline, gill net, or other gear, except rod and reel only, with the intent to retain swordfish for sale must contact the Regional Director to obtain an application for a swordfish provisional permit.

(b) Such owner or operator of a vessel of the United States must provide the requested information contained on the application and return the completed application to the Regional Director. The information to be provided on the application is—

(1) Owner's name and mailing address;

(2) Vessel name, net tons, and length;

(3) Home port;

(4) State registration or Coast Guard documentation number;
(5) Target species;
(6) Gear type(s);
(7) Average trip length (in days);
(8) Seasonal distribution of fishing by area (e.g., Gulf of Mexico); and
(9) Whether the vessel could accommodate an onboard technician.

If the application is incomplete, the Regional Director will return it to the applicant.

(c) Upon receipt of a completed application, the Regional Director will provide a provisional permit to the applicant as evidence that the required information has been provided. (Approved by the Office of Management and Budget under control number 0648–0149.)

§ 630.5 Vessel and gear identification.

(a) Any owner or operator of a vessel of the United States who intends to catch swordfish within the FCZ of the Atlantic, the Gulf of Mexico, or the Caribbean, and retain such swordfish for sale, except persons catching swordfish with rod and reel only, must carry a provisional permit on the vessel at all times and display it.

(b) Any owner or operator of a vessel of the United States who intends to fish for swordfish within the FCZ of the Atlantic, the Gulf of Mexico, or the Caribbean with gillnet gear aboard must advise the Regional Director or his designee by telephone 10 days in advance of each trip, of departure information (port, dock, date, and time) and of the expected landing information (port, dock, and date).

(c) Any owner or operator of a vessel of the United States who intends to fish for swordfish within the FCZ of the Atlantic, the Gulf of Mexico, or the Caribbean with gillnet gear aboard must, if selected by NMFS, accommodate an onboard observer.

(d) Any owner or operator of a vessel selected to accommodate an on board observer must provide for embarkment and disembarkment of the observer as determined by the Regional Director.

(e) If the Regional Director determines that placement of an observer aboard any vessel or for any trip is unnecessary or inappropriate, and so informs an owner or operator, that owner or operator may proceed to initiate and complete that trip without an observer aboard, provided that the owner or operator of that vessel makes available information about the catches and fishing practices of that trip to the designee of the Regional Director at the conclusion of that trip; however, the Regional Director may waive this requirement.

§ 630.6 Prohibitions.

It is unlawful for any person to—

(a) Fish for swordfish except as provided under § 630.5;

(b) Assault, impede, intimidate, threaten, or interfere with an observer in the conduct of collection of information under this part;

(c) Refuse to allow an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation or permit issued under the Magnuson Act;

(d) Forcibly to assault, resist, oppose, impede, intimidate, threaten, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (c) of this section;

(e) Resist a lawful arrest for any act prohibited by this part; and

(f) Violate any other provision of this part, the Magnuson Act, or any regulation or permit issued under the Magnuson Act.

§ 630.7 Facilitation of enforcement.

(a) *General.* The operator of, or any other person aboard, any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Communications.* (1) Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) If the size of the vessel and the wind, sea, and visibility conditions allow, loudhailer is the preferred method for communicating between vessels. If use of a loudhailer is not practicable, and for communications with an aircraft, VHF-FM or high frequency radiotelephone will be employed. Hand signs, placards, or voice may be employed by an authorized officer and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. Coast Guard units will normally use the flashing light signal "L" as the signal to stop.

(4) Failure of a vessel's operator to stop his vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes *prima facie* evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radio telephone must consider the signal to be a command to stop the vessel instantly.

(c) *Boarding.* The operator of a vessel directed to stop must—

(1) Guard Channel 16, VHF-FM if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his party to come aboard;

(3) Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer, provide a manrope or safety line, and illumination for the ladder; and

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) *Signals.* The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

(1) "AA" repeated (dot-dash, dot-dash) [1,2] is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY-CY" (dot-dash, dot-dash-dot-dash; dash-dot-dash, dot-dash-dot-dash) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (dot-dot-dot, dash-dash-dot-dash, dot-dot-dot-dash-dash) means

[1] Dot means a short flash of light.
[2] Dash means a long flash of light.

"you should stop or heave to; I am going to board you."

(4) "L" (dot-dash-dot-dot) means "you should stop your vessel instantly."

§ 630.8 Penalties.

Any person or fishing vessel found to be violation of this part, the Magnuson Act, or any other regulation issued under the Magnuson Act is subject to the civil and criminal penalty provisions of the Magnuson Act, and to 50 CFR Parts 620 (Citations) and 621 (Civil Procedures), 15 CFR Part 904 (Civil Procedures), and other applicable law.

Subpart B—Management Measures [Reserved]

[FR Doc. 84-15886 Filed 6-11-84; 8:56 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 115
Wednesday, June 13, 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.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 841 0020]

The Estes Park Accommodations Association, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require an association composed of operators of motels, hotels, cabins and campgrounds in the area of Estes Park, Colorado, to cease inhibiting competition by restricting, impeding or advising its members and others against the truthful advertising of the terms and conditions of their accommodations; and by declaring such activities unethical. The association would be precluded from taking any action against a person charged with violating an ethical standard without first providing that person with reasonable notice of the allegations and a hearing, as well as written findings and conclusions concerning the allegations. The order would further require the association to remove from its membership application, policy statement or guidelines, any provision which is inconsistent with the prohibitions contained in the order.

DATE: Comments must be received on or before August 13, 1984.

ADDRESS: Comments should be directed to: FTC/Office of the Secretary, Room 136, 6th St. & Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Claude C. Wild, Director, 6R, Denver Regional Office, Federal Trade Commission, Suite 2900, 1405 Curtis St., Denver, CO 80202. (303) 837-2271.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or reviews will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Advertising, Trade practices, Travelers' accommodations.

Before Federal Trade Commission

File No. 841 0020 *Agreement Containing Consent Order to Cease and Desist*

In the matter of The Estes Park Accommodations Association, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of The Estes Park Accommodations Association, Inc. (EPAA), a corporation, and it now appearing that EPAA is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between EPAA, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. EPAA is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Colorado, with its mailing address at P.O. Box 178, Estes Park, Colorado 80517.

2. EPAA admits all of the jurisdictional facts set forth in the draft of complaint here attached.

3. EPAA waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify EPAA, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by EPAA that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules of Practice, the Commission may, without further notice to EPAA, (1) issue its complaint Corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to EPAA's address stated in this agreement shall constitute service. EPAA waives any right it may have to any other manner of service. The complaint attached hereto may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or agreement may be used to vary or contradict the terms of the order.

7. EPAA has read the proposed complaint and order contemplated

hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. EPAA further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after the order becomes final.

Order

I

For purposes of this Order, the following definitions shall apply:

A. "EPAA" means The Estes Park Accommodations Association, Inc., its members, officers, directors, committees, representatives, agents, employees, successors and assigns.

B. The term "lodging facilities" means motel rooms, hotel rooms, cottages, cabins and any other accommodations designed for the housing of travelers.

II

It is ordered that EPAA shall cease and desist from, directly or indirectly, or through any corporate or other device:

A. Restricting, regulating, impeding, declaring unethical, interfering with, or advising against the advertising, publishing, of posting by any person of the prices, terms, or conditions concerned with the furnishing of lodging facilities; and

B. Suggesting, inducing, urging, encouraging or assisting any person, business, or any other nongovernmental organization to take any of the actions prohibited by Part II (A).

Nothing contained in Part II shall prohibit EPAA from: (1) Filing any complaint with a governmental agency concerning violations of any law, or (2) formulating, adopting, disseminating to its members, and enforcing reasonable ethical guidelines governing the conduct of its members with respect to representations, including unsubstantiated representations, that would be false or deceptive within the meaning of Section 5 of the Federal Trade Commission Act.

III

It is further ordered that EPAA shall cease and desist from taking any action against a person alleged to have violated any ethical standard promulgated in conformity with this Order without first providing such person with:

A. Written notice of the allegations against him or her;

B. A hearing wherein such person, or a person retained by him or her, may seek to rebut such allegations; and

C. The written findings or conclusions of EPAA with respect to such allegations.

IV

It is further ordered that EPAA shall:

A. For a period of three years after service of the final Order, provide each new member of EPAA with a copy of the letter attached as Appendix A at the time the member is accepted into EPAA;

B. Within thirty (30) days after service of the final Order, send a copy of the letter attached as Appendix A to each current member of EPAA;

C. Within thirty (30) days after service of the final Order, remove from any existing EPAA membership application, policy statement, or guideline, any provision, interpretation, or policy statement which is inconsistent with Part II or Part III of this Order;

D. Within sixty (60) days after service of the final Order, file a written report with the Federal Trade Commission setting forth in detail the manner and form in which it has complied with this Order;

E. For a period of three (3) years after service of the final Order, maintain and make available to the Commission staff for inspection and copying, upon reasonable notice, records adequate to describe in detail any action taken in connection with the activities covered by Part II or Part III of this Order; and

F. Within one year after service of the final Order, and annually thereafter for a period of three (3) years, file a written report with the Federal Trade Commission setting forth in detail any action taken in connection with the activities covered by Part II or Part III of this Order.

V.

It is further ordered that EPAA shall notify the Commission at least thirty (30) days prior to any proposed change in EPAA, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation or association, or any other change in EPAA which may affect compliance obligations arising out of this Order.

Appendix A

[Letterhead of EPAA]

Dear Member: The Estes Park Accommodations Association, Inc. (EPAA), and the Federal Trade Commission have entered into an agreement which resulted in an Order prohibiting EPAA or its members from:

1. Restricting, regulating, impeding, declaring unethical, interfering with, or advising against the advertising, publishing, or posting by any person of the prices, terms, or conditions concerned with the furnishing of lodging facilities; and

2. Suggesting, inducing, urging, encouraging or assisting any person, business, or any other nongovernmental organization to take any of the actions prohibited by the above paragraph.

The Order does not prohibit EPAA from:

1. Filing any complaint with a governmental agency concerning violations of any law, or

2. Formulating, adopting, disseminating to its members, and enforcing reasonable ethical guidelines governing the conduct of its members with respect to representations, including unsubstantiated representations, that would be false or deceptive within the meaning of section 5 of the Federal Trade Commission Act.

EPAA may not take any action against a person alleged to have violated any ethical standard promulgated in conformity with this Order without providing such person with:

1. Written notice of the allegations against him or her;

2. A hearing wherein such person, or a person retained by him or her, may seek to rebut such allegations; and

3. The written findings or conclusions of EPAA with respect to such allegations.

A copy of the Complaint and Order issued pursuant to this agreement will be furnished by EPAA upon request.

Thank you for your cooperation.

Sincerely,

President, The Estes Park Accommodations Association, Inc.

Analysis of Proposed Order To Aid Public Comment

File No 841 0020

The Federal Trade Commission has accepted an agreement to a proposed consent order from The Estes Park Accommodations Association, Inc. (EPAA). EPAA is an association composed of about 80 operators of motels, hotels, campgrounds, cabins and other lodging facilities for travelers in the area of Estes Park, Colorado.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments from interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should

withdraw from the agreement or make final the agreement's proposed order.

The complaint in the matter alleges that EPAA, acting as a combination or conspiring with its members, has restrained trade by: (1) Prohibiting its members from truthfully advertising their facilities and prices to the public, and (2) coercing individual members into abandoning their efforts to truthfully advertise their facilities and prices to the public.

The consent agreement prohibits EPAA and its members from:

1. Restricting, regulating, impeding, declaring unethical, interfering with, or advising against the advertising, publishing, or posting by any person of the prices, terms, or conditions concerned with the furnishing of lodging facilities; and

2. Suggesting, inducing, urging, encouraging or assisting any person, business, or any other nongovernmental organization to take any of the actions prohibited by the above paragraph.

Under the terms of the order, EPAA may promulgate reasonable ethical standards concerning false or deceptive representations but must provide written notice, a hearing, and written findings to a person alleged to have violated such standards.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 84-15827 Filed 6-12-84; 8:45 am]

BILLING CODE 6750-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300090; PH-FRL 2605-4]

Wool Fat (Anhydrous Lanolin); Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that wool fat (also called anhydrous lanolin) be exempted from the requirement of a tolerance when used as a surfactant in pesticide formulations for use on growing crops. This proposed regulation was requested by American Hoechst Corp.

DATE: Written comments must be received on or before July 13, 1984.

ADDRESS: By mail, submit written comments identified by the document control number [OPP-300090] to:

Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

In person, deliver comments to: Registration Support and Emergency Response Branch, Registration Division (TS-767), Environmental Protection Agency, Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: N. Bhushan Mandava, Registration Support and Emergency Response Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Office location and telephone number: Registration Support and Emergency Response Branch Rm. 724A, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7700).

SUPPLEMENTARY INFORMATION: At the request of American Hoechst Corp., the Administrator proposes to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for wool fat (anhydrous lanolin) as a stabilizer in pesticide formulations applied to growing crops only.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient: Wool fat (anhydrous lanolin).

Name and address of requestor: American Hoechst Corp., Sommerville, NJ 08876.

Bases for approval: Wool fat (anhydrous lanolin) is exempted under 21 CFR 172.615 as a softener in chewing gum-based food for human consumption and also cleared for indirect food additive uses. Wool fat derivatives are exempted under 40 CFR 180.1001 (d) and (e).

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains this inert ingredient, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number, "[OPP-300090]." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Registration Support and Emergency Response Branch at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that

regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

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

List of Subjects in 40 CFR Part 180

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

Dated: May 29, 1984.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.1001(d) be amended by adding and alphabetically inserting the inert ingredient as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
Wool fat (anhydrous lanolin)		Stabilizer.
* * * * *		

* * * * *

[FR Doc. 84-15553 Filed 6-12-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 434

[OW-FRL; 2605-8]

Coal Mining Point Source Category; Effluent Limitations Guidelines and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On May 4, 1984, EPA proposed revisions to promulgated effluent limitations guidelines for existing sources and standards of performance for new sources for the coal mining point source category (49 FR 19240). A public action group has requested that the Agency extend the comment period.

In its request letter, the group noted that the effluent limitations and standards are very important to the environment and that the amount of information concerning the changes on which the Agency has requested comments is significant.

EPA is extending the end of the comment period on the proposal from June 4, 1984 to July 6, 1984.

DATE: Comments on the proposal for the coal mining category (49 FR 19240) must be submitted to EPA by July 6, 1984.

ADDRESSES: Send comments to William A. Telliard, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Attention: Docket Clerk, Coal Mining. The information supporting the proposal is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213. The comments will be added to the record as they are received. The EPA Information Regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: William A. Telliard (202) 382-7131.

SUPPLEMENTARY INFORMATION: On May 4, 1984, EPA published a proposal revising promulgated effluent limitations guidelines based on "best practicable technology" (BPT), "best available technology economically achievable" (BAT) and "new source performance standards" (NSPS) for the coal mining point source category. The notice stated that all comments on the proposed changes must be submitted by June 4, 1984. Since then, a public action group has requested that the Agency extend the comment period.

In its request letter, the group noted that the effluent limitations and standards are very important to the environment and that the amount of information concerning the changes on which the Agency has requested comments is significant. The Agency agrees that the information made available by the proposal in the context of the specific changes proposed by the Agency is considerable in the amount and complexity of new information made available. The Agency has determined that a sixty day comment period is appropriate. Therefore, the Agency will give equal consideration to all material submitted by July 6, 1984.

Dated: June 5, 1984.

Henry Longest II,

Acting Assistant Administrator for Water.

[FR Doc. 84-15645 Filed 6-12-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-512; RM-4684]

FM Broadcast Station in Prescott, Arizona; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C Channel 271 for Channel 280A at Prescott, Arizona, and modification of the Class A license for Station KAHM (FM) in response to a petition filed by Southwest FM Broadcasting Co., Inc. The assignment could provide Prescott with a first Class C assignment.

DATES: Comments must be filed on or before July 30, 1984, and reply comments must be filed on or before August 14, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Prescott, Arizona); MM Docket No. 84-512, RM-4684.

Adopted: May 15, 1984.

Released: June 6, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Southwest FM Broadcasting Co., Inc.,[1] ("petitioner"), proposing the substitution of Class C Channel 271 [2] for Channel 280A at Prescott, Arizona, and modification of the license for Station KAHM (FM), Prescott, to specify operation on Channel 271.

2. We believe that the petitioner's proposal warrants consideration. The channel can be assigned in compliance with the minimum distance separation requirements. In addition, we shall propose to modify the license of Station KAHM (FM) (Channel 280A) as requested by petitioner, to specify operation on Channel 271. However, in conformity with Commission precedent,

[1] Petitioner is the licensee of Station KAHM (FM).

[2] The petitioner originally requested Channel 282, but that assignment would conflict with the proposal to assign Channel 282 to Payson, Arizona (Docket 84-300).

should another party indicate an interest in the Class C assignment, the modification could not be implemented. Instead, an opportunity for the filing of competing applications may be provided. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

3. An *Order to Show Cause* to the petitioner is not required since consent to the modification of its license is indicated by its request for the Class C Channel.

4. Concurrence of the Mexican government is required since Prescott, Arizona is located within 320 kilometers (199 miles) of the common U.S.-Mexican border.

5. In order to provide a wide coverage area station for the Prescott area, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follow:

City	Channel No.	
	Present	Proposed
Prescott, Ariz.	252A, 280A	252A, 271.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Lawrence N. Cohen, Cohn and Marks, 1333 New Hampshire Avenue, NW., #600, Washington, D.C. 20036, (counsel for the petitioner).

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b)* of the Commission's Rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message, (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48, stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N W., Washington, D.C.

[FR Doc. 84–15768 Filed 6–12–84; 8:45 am]

BILLING CODE 6712–01 M

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47 CFR Part 73

[MM Docket No.84–507; RM–4696]

FM Broadcast Station in Coalinga, California; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 261A to Coalinga, California, in response to a petition filed by Coalinga Broadcasting, Inc. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before July 30, 1984, and reply comments

must be filed on or before August 14, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20544.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Coalinga, California); MM Docket No. 84–507, RM–4696.

Adopted: May 15, 1984.
Released: June 6, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Coalinga Broadcasting, Inc. ("petitioner"), requesting the assignment of FM Channel 261A to Coalinga, California, as that community's first FM service. The petitioner filed information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. In view of the fact that the proposal could provide a first FM service to Coalinga, California, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Coalinga, Calif.		261A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: William L. Zawila, Coalinga Broadcasting, Inc., 12550 Brookhurst Street, Garden Grove, California 92640.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c) (1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposals(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84–15773 Filed 6–12–84; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 84-516; RM-4659]

FM Broadcast Station in Corcoran, California; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channgel 272A to Corcoran, California, in response to a petition filed by Leroy Demery. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Corcoran, California) MM Docket No. 84-516, RM-4695.

Adopted: May 15, 1984.
Released: June 7, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Leroy Demery ("petitioner"), requesting the assignment of FM Channel 272A to Corcoran, California, as that community's first FM service. The petitioner filed information in support of the proposal and indicated an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria.

2. In view of the fact that the proposed assignment could provide a first FM service to Corcoran, California, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Corcoran, Calif		272A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Leroy Demery, Box 3484, Hollywood, California 90078.

5. The Commission has determined that the relevant provisions for the Regualatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the

Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15788 Filed 6-12-84 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-514; RM-4699]

FM Broadcast Station in Kerman, California; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 232A to Kerman, California, in response to a petition filed by Thomas Renteria. The proposed assignment could provide a first local FM service to that community.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations (Kerman, California); MM Docket No. 84-514, RM-4699.

Adopted: May 15, 1984.
Released: June 7, 1984.

By the Chief, Polcy and Rules Division.

1. A petition for rule making has been filed by Thomas Renteria ("petitioner"), requesting the assignment of FM Channel 232A to Kerman, California, as that community's first FM service. The petitioner filed information in support of the proposal and indicated an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. In view of the fact that the proposed assignment could provide a first local FM service to Kerman, California, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Kerman, Calif.		232A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procudures. Additionally, a copy of such comments should be served on the petitioner, as follows: Thomas Renteria, 769 West Sepulveda Street, San Pedro, California 90731.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, §§ 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR. 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceedings.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regultions, interested parties may file comments and reply comments on or before the dates set forth in the Notice

of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15786 Filed 6-12-84; 8:45 am]
BILLING CODE 6711-01-M

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47 CFR Part 73

[MM Docket No. 84-515; RM-4694]

FM Broadcast Station in Red Bluff, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the substitution of Class B FM Channel 275 for Channel 272A at Red Bluff, California, at the request of Theodore S. Storck. It is proposed to modify the construction permit of Station KRBQ, Channel 272A, to specify operation on the new channel. The assignment could provide Red Bluff with its first wide area coverage FM service.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

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

List of Subject in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Red Bluff, California) MM Docket No. 84-515, RM-4694.

Adopted: May 15, 1984.
Released: June 7, 1984.
By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by Theodore S. Storck ("petitioner") requesting the substitute for Class B FM Channel 275 for Channel 272A at Red Bluff, California, and to modify his permit for Station KRBQ(FM) to specify the new channel. The assignment could provide Red Bluff with its first wide area coverage FM service.

2. Petitioner notes that Red Bluff is located approximately 12.5 miles north of the 40th parallel which divides Zones I-A and II and therefore would normally seek a Class C allocation. However, petitioner was unable to find a Class C channel which would meet the Commission's mileage separation requirements. Therefore, he requests a Class B allocation specifying a site approximately 17.1 miles southwest of Red Bluff, within Zone I-A. The Commission has determined that the channel can be assigned with the site restriction proposed.

3. In accordance with our established policy, we shall propose to modify the permit of Station KRBQ(FM) to specify operation on Channel 275. However, if another party should indicate an interest in the Class B assignment, the modification may not be implemented. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976) and *Modification of FM and TV Station Licenses*, 48 FR 55585, published December 14, 1983.

4. Therefore, based on the above information, we believe the public interest would be served by seeking comments on the proposed substitution of channels. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as concerns the community listed below:

City	Channel No.	
	Present	Proposed
Red Bluff, Calif.	240A, 272A	240A, 275

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: John Wells King, Esq., Haley, Bader & Potts, 2000 M Street, NW., Suite 600, Washington, D.C. 20036 (Counsel to petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the preceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes and *ex parte* presentation and shall not be considered in the proceeding.

(Sec. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)
Federal Communications Commission.

Roderick K. Porter,
Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached.

Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §§ 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompained by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 15769 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No.84-517; RM-4697]

FM Broadcast Station Tranquility, California; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Channel 288A to Tranquility, California, as that community's first FM service, in response to a petition filed by Stanley Soho.

DATES: Comments must be filed on or before July 30, 1984, and reply comments must be filed on or before August 14, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Tranquility, California) MM Docket No. 84-517, RM-4697.

Adopted: May 15, 1984.
Released: June 7, 1984.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed by Stanley Soho ("petitioner"), requesting the assignment of Channel 288A to Tranquility, California, as that community's first FM service. Petitioner indicates that he will apply for the channel, if assigned as proposed.

2. A staff engineering study reveals that Channel 288A can be assigned to Tranquility in conformity with the minimum distance separation requirements of § 73.207(a) of the Commission's Rules.

3. Since the proposed assignment could provide a first local FM broadcast service to Tranquility, California, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, to include that community, as follows:

City	Channel No.	
	Present	Proposed
Tranquility, Calif.		288A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Stanley Soho, Box 57100, Los Angeles, CA 90057 (Petitioner).

6. The Commission has determined that the relevent provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Table of Assignments § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner or Ralph Smith, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply coments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15787 Filed 6-12-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-510; RM-4683]

FM Broadcast Station in Blackfoot, Idaho; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 268 to Blackfoot, Idaho, as that community's second FM service, in response to a petition filed by Corry E. Whalton.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rulemaking

In the matter amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Blackfoot, Idaho); MM Docket No. 84-510, RM-4683.

Adopted: May 15, 1984.

Release: June 6, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making been filed by Corry E. Whalton ("petitioner"), requesting the assignment of Class C FM Channel 268 to Blackfoot, Idaho, as that community's second FM service. The petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. In view of the fact that the proposed assignment could provide a second FM service to Blackfoot, Idaho, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Blackfoot, Idaho	247	247,268

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, as follows: Francis E. Fletcher, Jr., Kathy J. Bible, Gardner, Carton & Douglas, 1875 Eye Street, NW., Suite 1050, Washington, D.C. 20006-5472 (counsel for the petitioner).

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheurele, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel

assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making, to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel it if is assigned, an, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commisison.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15770 Filed 6-12-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-505; RM-4705]

FM Broadcast Station in Kingman, Kansas; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 257A to Kingman, Kansas, in response to a petition filed by Vera L. Dunn. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before July 27, 1984, and reply comments on or before August 13, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Kingman, Kansas); MM. Docket No. 84-505, RM-4705.

Adopted: May 15, 1984.
Released: June 5, 1984.
By the Chief, Policy and Rules Division.

1. A petition for rulemaking has been filed by Vera L. Dunn ("petitioner"), requesting the assignment of FM Channel 257A to Kingman, Kansas, as that community's first local FM service. The petitioner filed information in support of the proposal and stated that she, or an organization in which she is principal, intends to apply for the channel, if assigned. The channel can be assigned in compliance with the Commission's minimum distance spacing requirements.

2. In view of the fact that the proposed assignment could provide a first local service to Kingman, Kansas, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Kingman, Kan		257A

3. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 27, 1984, and reply comments on or before August 13, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner as follows: Vera L. Dunn, P.O. Box 31, Anthony, Kansas 67003.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend*

§§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s), who filed the comment to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Apppendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc 84–15775 Filed 6–12–84; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 84–513; RM–4641]

FM Broadcast Station in Harbor Springs, Michigan; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 280A to Harbor Springs, Michigan, as that community's first FM service, in response to a petition filed by David C. Schaberg.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73:

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Harbor Springs, Michigan); MM Docket No. 84–513, RM–4641.

Adopted: May 15, 1984.
Released: June 6, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by David C. Schaberg ("petitioner"), requesting the assignment of FM Channel 280A to Harbor Springs, Michigan, as that community's first local FM service. Petitioner indicated he would apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. Since Harbor Springs, is located within 320 kilometers (200 miles) of the common U.S.-Canadian border, the Commission must obtain Canadian concurrence in the proposal.

3. In view of the fact that the proposed assignment could provide a first local FM service to Harbor, Springs, Michigan, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to that community, as follows:

City	Channel No.	
	Present	Proposed
Harbor Spring, Mich		280A

4. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: David C. Schaberg, Post Office Box 11101, Lansing, Michigan 48901–1101.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceeding to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes and *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84–15767 Filed 6–12–84; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 84–518; RM–4645]

FM Broadcast Station in Deer River, Minnesota; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 288A to Deer River, Minnesota, as that community's first FM service, in response to petition filed by Evangelistic Alaska Missionary Fellowship.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Deer River, Minnesota) MM Docket No. 84–518, RM–4645.

Adopted: May 15, 1984.
Released: June 7, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by the Evangelistic Alaska Missionary Fellowship ("petitioner"), requesting the assignment of FM Channel 288A to Deer River, Minnesota, as that community's first FM service. Petitioner submitted information in support of the proposal, expressing a desire to develop a Christian ministry

radio station to meet the needs of the Indian Reservation, which is located west and slightly north of Deer River. Petitioner stated its intent to apply for the channel, if assigned. The channel can be assigned in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. In view of the fact that the proposed assignment could provide a first FM service to Deer River, Minnesota, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Deer River, Minn.		288A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Don Nelson, Radio Station KJNP, Box "O" North Pole, AK 99705; and Cecil S. Bidlack, Engineering Consultant, 8200 Snowville Road, Brecksville, OH 44141.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petition constitutes and *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15786 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No.84-509; RM-4690]

FM Broadcast Station in Slayton, Minnesota; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 276A to Slayton, Minnesota, as that community's first

local FM service, in response to a petition filed by Dorothea A. Kinsman.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Slayton, Minnesota); MM Docket No. 84–509, RM–4690.

Adopted: May 15, 1984.
Released: June 6, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Dorothea A. Kinsman ("petitioner"), requesting the assignment of Channel 276A to Slayton, Minnesota, as that community's first local FM service. Petitioner has expresed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirtements of § 73.207 of the Commission's Rules.

2. In view of the fact that the proposed assignment could provide a first local FM service to Slayton, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to that community, as follows:

City	Channel No.	
	Present	Proposed
Slayton, Minnesota		276A

3.The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 30, 1984, and reply comments of or before August 14, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner as follows: Jerrold Miller, Miller & Fields, P.C., P.O. Box 33003, Washington, D.C. 20033 (counsel for the petitioner).

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply To Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules.* 46 FR 11549, publilshed February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner consititutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15771 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-508; RM-4676]

FM Broadcast Station in Shawnee, Oklahoma; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: This action proposes to assign FM Channel 236 to Shawnee, Oklahoma, in response to a petition filed by Linda K. Allen. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Shawnee, Oklahoma); MM Docket No. 84-508, RM-4676.

Adopted: May 15, 1984.
Released: June 6, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Linda L. Allen ("petitioner"), requesting the assignment of Class C FM Channel 236 to Shawnee, Oklahoma, as that community's first FM service. The petitioner filed information in support of the proposal and indicated an interest in applying for the channel, if assigned.

2. Channel 236 can be assigned to Shawnee in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules provided there is a site restriction of approximately 31.4 miles southeast of the community. The site restriction will prevent short spacing to FM Station KICT, Channel 236, Wichita, Kansas, FM Station KEBC, Channel 234, Oklahoma City, Oklahoma and to a construction permit for FM Station KMGZ, Channel 237A, Lawton, Oklahoma. Petitioner has indicated that she proposes to locate the transmitter approximately 35 miles east of Shawnee in compliance with the spacing requirements and to build a 1490 foot tower in order to provide city grade coverage.

3. In view of the fact that the proposed assignment could provide a first FM service to Shawnee, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Shawnee, Okla.		236

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Linda K. Allen, 9703 N.E. 2nd Place, Midwest City, Oklahoma 73130.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rules Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner consititutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not be served on the person(s) who filed the comment, to which the reply is directed, consititutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420

of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15772 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-504; RM-4708]

FM Broadcast Station in Rapid City, South Dakota; Proposed Changes Made in Table of Asignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Class C Channel 282 to Rapid City, South Dakota, as that community's fourth local FM broadcast service, in response to a petition filed by William H. Payne.

DATES: Comments must be filed on or before July 27, 1984, and reply comments must be filed on or before August 13, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Rapid City, South Dakota); MM Docket No. 84-504, RM-4708.

Adopted: May 15, 1984.

Released: June 5, 1984.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed by William H. Payne ("petitioner"), requesting the assignment of Class C Channel 282 to Rapid City, South Dakota, as that community's fourth FM service. Petitioner indicates that he will apply for the channel, if assigned as proposed.

2. A staff engineering study reflects that Channel 282 can be assigned to Rapid City consistent with the minimum distance separation requirements of § 73.207(a) of the Commission's Rules.

3. In view of the fact that the proposed assignment could provide a fourth local FM service to Rapid City, South Dakota, for the expression of diverse viewpoints and programming, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules with respect to that community, as follows:

City	Channel No.	
	Present	Proposed
Rapid City, S. Dak.	230, 250, and 262.	230, 250, 262, and 282.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 27, 1984, and reply comments on or before August 13, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel, or consultant, as follows: William H. Payne, c/o Radio Station KTFX, Suite 103, 5840 S. Memorial, Tulsa, Oklahoma 74145.

6. The Commisison has determined that the relevant provisions of the the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See. *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice or Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or count review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(e)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the

consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15776 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-511; RM-4685]

FM Broadcast Station in Payson, Utah; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 248 to Payson, Utah, as that community's first FM assignment, in response to a petition filed by Vicki L. Young.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Payson, Utah); MM Docket No. 84-511, RM-4685.

Adopted: May 15, 1984.
Released: June 6, 1984.
By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Vicki L. Young ("petitioner"), requesting the assignment of Class C FM Channel 248 to Payson, Utah, as that community's first FM channel. Petitioner has submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements with a site restriction of 15.7 miles southeast of Payson. The site restriction will prevent short spacing to FM Station KISN on Channel 246 in Salt Lake City, and FM Station KZAN on Channel 250 in Ogden, Utah.

2. In view of the fact that the proposed assignment could provide a first local service to Payson, Utah, the Commission believes it is approporiate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Payson, Utah		248

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner as follows: Vicki L. Young, 1740 Wilson's Crossing Drive, Decatur, Georgia 30333.

5. The Commission had determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceedings.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it

is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15760 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-502; RM-4766]

TV Broadcast Station in De Funiak Springs, Florida; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of UHF TV Channel 62 to De Funiak Springs, Florida, as that community's first local television assignment, at the request of Marvin Palmquist.

DATES: Comments must be filed on or before July 27, 1984, and reply comments on or before August 13, 1984.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (De Funiak Springs, Florida); MM Docket No. 84-502, RM-4766.

Adopted: May 15, 1984.
Released: June 5, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making submitted by Marvin Palmquist ("petitioner") requesting the assignment of UHF TV Channel 17 to De Funiak Springs, Florida, as that community's first local television assignment. Petitioner originally filed his request as a counterproposal to the *Notice of Proposed Rule Making* concerning the assignment of Channel 17 at Fort Walton Beach, Florida (MM Docket 83-1235). Channel 17 cannot be assigned at De Funiak Springs as that channel is used by the Offshore Radio Telecommunications Service ("ORTS"). However, a staff study found that UHF TV Channel 62 can be assigned at De Funiak Springs in compliance with the Commission's minimum distance separation requirements. Since the proposed Channel 62 assignment does not conflict with the Fort Walton Beach proceeding, it is being considered separately. Although petitioner has indicated that he, or an entity of which he is a part, would apply for authorization on Channel 17, he is requested to specify that he would now apply for Channel 62, should it be assigned.

2. De Funiak Springs (population 5,563),[1] the seat of Walton County (population 21,300), is located in the Florida panhandle, approximately 70 kilometers (45 miles) northwest of Panama City, Florida. Petitioner has supplied demographic data concerning the community to buttress his request for the assignment of a first local television facility there.

3. In view of the interest expressed by petitioner in initiating a local television service, we believe it is in the public interest to solicit comments on the proposed assignment, as indicated below:

City	Channel No.	
	Present	Proposed
De Funiak Springs, Fla		62

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 27, 1984, and reply comments on or before August 13, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: John H. Midlen, Jr., Esq., Suite 1200, 1100 Fifteenth Street, NW., Washington, D.C. 20005 (Counsel to petitioner).

6. The Commission has determined that the relevant provisions of the

[1] Population figures are taken from the 1980 U.S. Census.

Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by partries to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84–15778 Filed 6–12–84: 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 84–501; RM–4706]

TV Broadcast Station in Live Oak, Florida; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of UHF TV Channel 57 to Live Oak, Florida, at the request of Live Oak Television, Inc. The assignment could provide Live Oak with its first local television service.

DATES: Comments must be filed on or before July 27, 1984 and reply comments on or before August 13, 1984.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Live Oak, Florida); MM Docket No. 84–501, RM–4706.

Adopted: May 15, 1984.
Released: June 5, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by Live Oak Television, Inc. ("petitioner") seeking the assignment of UHF TV Channel 57 to Live Oak, Florida, as that community's first local TV channel. Petitioner has stated its intention to apply for the channel, if assigned. The channel can be assigned in compliance with the Commission's minimum distance separation and other technical requirements.

2. Live Oak (population 6,732),[1] the seat of Suwannee County (population 22,287), is located in northern Florida, approximately 120 kilometers (78 miles) west of Jacksonville, Florida. If has no local television service.

3. Based on the above facts, we believe the public interest would be served by seeking comments on petitioner's request. Accordingly, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, for the community listed below:

[1] Population figures are derived from the 1980 U.S. Census.

City	Channel No.	
	Present	Proposed
Live Oak, Fla.		57-

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 27, 1984, and reply comments on or before August 13, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Edward M. Johnson & Associates, Inc., One Regency Square, Suite 450, Knoxville, Tennessee 37915 (Consultant to petitioner). Live Oak Television, Inc., P.O. Box 777, Marianna, Florida (Petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inpsection of Filings.* All filings made in this proceedings will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15779 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-503; RM-4759]

FM Broadcast Station in Oshkosh, Wisconsin; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein, at the request of the State of Wisconsin-Educational Communications Board, proposes the assignment of UHF TV Channel *50 to Oshkosh, Wisconsin, as the community's first noncommercial educational television service.

DATES: Comments must be filed on or before July 27, 1984, and reply comments on or before August 13, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rulemaking

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Oshkosh, Wisconsin); MM Docket No. 84-503, RM-4759.

Adopted: May 15, 1984.
Released: June 5, 1984.
By the Chief, Policy and Rules Division.

1. A petition for rule making was filed on January 30, 1984, by the State of Wisconsin-Educational Communications Board ("petitioner"), requesting the assignment of UHF TV Channel *50 to Oshkosh, Wisconsin, and its reservation for noncommercial educational use. The assignment could provide Oshkosh with its first educational facility. Petitioner has submitted information in support of the proposal and expressed an intention to apply for the channel, if assigned.

2. Oshkosh (population 49,620),[1] the seat of Winnebago County (population 131,703), is located in east central Wisconsin, 125 kilometers (80 miles) northwest of Milwaukee. Oshkosh currently has one channel assignment (Channel 22) for which a construction permit has been issued to Eternal World Telecommunications.

3. UHF Television Channel *50 can be assigned to Oshkosh, Wisconsin, in compliance with the minimum distance separation requirements of § 73.610 and § 73.698 of the Commission's Rules.

4. In view of the fact that Oshkosh could receive a first local noncommercial educational television broadcast service, the Commission believes it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) for the following community:

City	Channel No.	
	Present	Proposed
Oshkosh, Wis	22+	22+, *50+.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 27, 1984, and reply comments on or before August 13, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: State of Wisconsin-Educational Communications Board, c/o Dow, Lohnes & Albertson, 1225 Connecticut Avenue, Washington, D.C. 20036, Todd D. Gray, Esq. (counsel to petitioner).

[1] Population figures are taken from the 1980 U.S. Census.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, §§ 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of §1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15777 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-522; RM-4653]

FM Broadcast Station in Pine Top, Arizona; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 294 to Pine Top, Arizona, at the request of D & M Inc. The assignment could provide Pine Top with its first local FM assignment.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Pine Top, Arizona); MM Docket No. 84-522, RM-4653.

Adopted: May 15, 1984.
Released: June 8, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by D & M Inc. ("petitioner") seeking the assignment of Class C Channel 294 at Pine Top, Arizona, as that community's first local FM allotment. The petitioner has stated its intention to apply for the channel, if assigned.

2. The channel can be assigned in compliance with the Commission's minimum distance separation and other technical requirements. Pine Top is located within 320 kilometers (199 miles) of the U.S.-Mexican border. Therefore, the concurrence of the Mexican government is required before the channel can be allocated.

3. Based on the foregoing information, we believe it is in the public interest to seek comments on the proposal. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Pine Top, Arizona		294

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note:—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

Peter Tannenwald, Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue, N.W., Washington, D. C. 20036-5339 (Counsel to petitioner)

D & M Inc., 1104 Martinelli, Gallup, New Mexico 87301 (Petitioner)

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected fo file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice

of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompained by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 15782 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-520; RM-4693]

FM Broadcast Station in Ellwood, California; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Class B Channel 233 to Ellwood, California, as its first local FM service, in response to a petition filed by Thomas M. Eells.

DATES: Comments must be filed on or before July 30, 1984, and reply comments must be filed on or before August 14, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Ellwood, California); MM Docket No. 84-520, RM-4693.

Adopted: May 15, 1984.
Released: June 7, 1984.

By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for rule making filed on behalf of Thomas E. Eells ("petitioner"), requesting the assignment of Class B channel 233 to Ellwood, California, as that community's first FM service. Petitioner indicates that he will apply for the channel, if assigned.

2. Petitioner describes Ellwood as an unincorporated community, and states that its population is comprised of 13,384 residents according to the 1980 U.S. Census. Further, he describes Ellwood's geographic boundaries as determined by the Resource Management Department of the Planning Department of the County of Santa Barbara. Moreover, according to petitioner's engineering statement, the reference coordinates for Ellwood were determined by using a U.S.G.S. 7.5 minute topographical map of Dos Pueblos Canyon, California.

3. Contrary to petitioner's assertion, we are unable to verify that Ellwood is listed in the 1980 U.S. Census. Moreover, we are unable to locate its existence in the Rand McNally Road Atlas (1984 Ed.).

4. Section 307(b) of the Communications Act of 1934, as amended, necessitates that we require assignments to "communities" as a geographically identifiable population grouping. Generally, if a community is incorporated or is listed in the U.S. Census, that is sufficient to satisfy its status. However, absent such recognizable community factors, the petitioner must present the Commission with sufficient information to demonstrate that such a place has social, economic or cultural indicia to qualify it as a "community" for assignment purposes. See, *e.g., Ansley, Alabama,* 46 FR 58688, published December 3, 1981; *Cascade Village, Colorado,* 48 FR 19917, published May 3, 1983; *Red Rock, Georgia,* 48 FR 36170, published August 9, 1983, and cases cited therein. Therefore, petitioner should submit additional information regarding Ellwood to demonstrate whether it has any business, social organizations, or governmental units that identify themselves therewith.

5. In view of the foregoing, and based on the information submitted by petitioner, the Commission does not believe that a final determination can by made as to the status of Ellwood, California, as a community. Consequently, we believe it is appropriate to further investigate this matter through the solicitation of comments. Therefore, petitioner is requested to provide information to demonstrate how Ellwood may qualify as a community for assignment purposes.

6. A staff engineering study reveals that Class B Channel 233 can be assigned to Ellwood, California consistent with the applicable minimum distance separation requirements of § 73.207(a) of the Commission's Rules.

7. Accordingly, the Commission seeks comments on the proposal to amend the FM Table of Assignments § 73.202(b) of the Commission's Rules, with regard to Ellwood, California, as follows:

City	Channel No.	
	Present	Proposed
Ellwood, California		233

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, or his counsel, or consultant, as follows:

James K. Edmundson, Esq., Kenkel, Barnard & Edmundson, P.C., 1220 19th Street, NW., Suite 202, Washington, D.C. 20036 (Counsel for Petitioner)

and

Lawrence H. Rogow, Venture Technologies, 1640 5th Street, Suite 203, Santa Monica, CA 90401 (Consultant to Petitioner)

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are

prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15784 Filed 6-12-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-506; RM-4698]

FM Broadcast Station in Eureka, California; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Channel 249A to Eureka, California, as that community's fourth FM service, in response to a petition filed by Thomas Renteria.

DATES: Comments must be filed on or before July 27, 1984, and reply comments must be filed on or before August 13, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Eureka, California); MM Docket No. 84-506, RM-4698.

Adopted: May 15, 1984.

Released: June 5, 1984.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed by Thomas Renteria ("petitioner"), requesting the assignment of Channel 249A to Eureka, California, as that community's fourth FM service. Petitioner states that he will apply for the channel, if assigned as proposed.

2. A staff engineering study reveals that Channel 249A can be assigned to Eureka in conformity with the minimum distance separation requirements of § 73.207(a) of the Commission's Rules.

3. In view of the above, and the fact that the proposed assignment could provide a fourth local FM service to Eureka, California, for the expression of diverse viewpoints and programming, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to that community, as follows:

City	Channel No.	
	Present	Proposed
Eureka, California	222, 242, and 268	222, 242, 249A, and 268.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 27, 1984, and reply comments on or before August 13, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel, or consultant, as follows:

Thomas Renteria, 769 West Sepulveda Street, San Pedro, CA 90731.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, §§ 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in section 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 15774 Filed 6–12–84; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 84–534; RM–4635]

FM Broadcast Station in Aiea, Hawaii; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 300 to Aiea, Hawaii, in response to a petition filed by Starlight Broadcasting Corporation. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau (202) 634–6530.

List of Subject in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Aiea, Hawaii); MM Docket No. 84–534, RM–4635.

Adopted: May 15, 1984.
Released: June 8, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by the Starlight Broadcasting Corporation ("petitioner"), requesting the assignment of Class C FM Channel 300 to Aiea, Hawaii, as that community's first FM assignment. The petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigne.

2. Channel 300 can be assigned to Aiea in compliance with the minimum distance separation requirements. However, the proposal must conform with the requirements of § 73.1030(c)(1)–(5) of the Rules regarding protection to the Commission's monitoring station at Waipahu, Oahu, Hawaii.

3. In view of the fact that the proposed assignment could provide a first local FM service to Aiea, Hawaii, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the

Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Aiea, Hawaii		300

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contined in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should served on the petitioner as follows: Judge Harry M. Lack, Counsel of Starlight, Broadcasting Corporation, 810 Broadway, Everett, Massachusetts 02149.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially files at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes and *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who file the comment to which the reply is directed constitutes and *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits to incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set our in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15780 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-519; RM-4692]

FM Broadcast Station in Worthington, Minnesota; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Channel 228A to Worthington, Minnesota, as that community's second FM service, in response to a petition filed by James W. Kinsman.

DATES: Comments must be filed on or before July 30, 1984, and reply comments must be filed on or before August 14, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Worthington, Minnesota); MM Docket No. 84–519, RM–4692.

Adopted: May 15, 1984.

Released: June 8, 1984.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed by James W. Kinsman ("petitioner"), seeking the assignment of Channel 228A to Worthington, Minnesota, as that community's second FM service. Petitioner states that he will apply for the channel, if assigned.

2. A staff engineering study revels that Channel 228A can be assigned to Worthington consistent with the minimum distance separation requirements of § 73.207 of the Commission Rules, provided the transmitter is restricted to a location 4.3 miles east of the community to avoid short spacing on the co-channel to Station KKRC in Sioux Falls, South Dakota.

3. Since the proposed assignment could provide a second local FM service to Worthington, for the expression of diverse programming and viewpoints, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to that community, as follows:

City	Channel No.	
	Present	Proposed
Worthington, Minnesota.	236	228A, and 236.

4. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Jerrold Miller, Esq., Miller and Fields, P.C., P.O. Box 33003, Washington, D.C. 20033, Counsel for Petitioner.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceeding to amend the FM Table of Assignments, § 73.202(b) of the Commisison's Rules. See, *Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes and *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set our in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commisison's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15785 Filed 6-12-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-523; RM-4656]

FM Broadcast Station in Gorham, New Hampshire; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: At the request of Metrocomco, Inc., the Commission herein proposes the assignment of FM Channel 296A to Gorham, New Hampshire, as that community's first local FM channel.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Gorham, New Hampshire); MM Docket No. 84–523, RM–4656.

Adopted: May 15, 1984.
Released: June 8, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a petition for rule making filed by Metrocomco, Inc. ("petitioner") requesting the assignment of Channel 296A to Gorham, New Hampshire, as that community's first local FM facility. Petitioner has stated its intention to apply for the channel, should it be assigned.

2. Petitioner has provided information as to the population of Gorham and states that this assignment would represent a first local broadcast facility for the community. The channel can be assigned in compliance with the Commission's minimum distance separation and other technical requirements. Since Gorham is located within 320 kilometers (200 miles) of the U.S.-Canadian border, the concurrence of the Canadian government must be obtained.

3. We believe the public interest would be served by proposing the assignment of Channel 296A to Gorham in order to provide a first local FM service. Therefore, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the community listed below:

City	Channel No.	
	Present	Proposed
Gorham, New Hampshire		296A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 30, 1984, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Forbes W. Blair, Esq., Bilger & Blair, 1825 K Street, NW., Washington, D.C. 20006 (Counsel to petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long a they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of

service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15781 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-521; RM-4700]

FM Broadcast Station in Walla Walla, Washington; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 265A to Walla Walla, Washington, as its fourth assignment, at the request of Thomas D. Hodgins.

DATES: Comments must be filed on or before July 30, 1984, and reply comments on or before August 14, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Walla Walla, Washington); MM Docket No. 84-521, RM-4700.

Adopted: May 15, 1984.
Released: June 8, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a petition for rule making submitted by Thomas D. Hodgins ("petitioner") requesting the assignment of FM Channel 265A to Walla Walla, Washington, as that community's fourth local assignment. Petitioner has indicated that he, or an entity of which he is a part, will apply for the channel, if assigned. The channel can be assigned in compliance with the Commission's minimum distance separation and other technical requirements, with the imposition of a site restriction of at least 5.3 miles south. The site restriction is necessary to avoid short-spacing to Channel 266 at Cheney, Washington, for which there are applications pending, and to channel 268 at Lewiston, Idaho, for which there are two applications pending.

2. We believe it is in the public interest to seek comments on the proposed assignment in order to provide a fourth local FM service. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the community listed below:

City	Channel No.	
	Present	Proposed
Walla Walla, Washington.	227, 239, and 246..	227, 239, 246, and 265A.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 30, 1084, and reply comments on or before August 14, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

Thomas D. Hodgins, Route 1, Box 34, Lowdon, Washington 99360 (Petitioner)
Thomas J. Johnson, Lechman, Colligan & Johnson, 2033 M Street, NW., Suite 702, Washington, D.C. 20036 (Consultant to petitioner).

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be

considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-15783 Filed 6-12-84; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of 6-Month Extension the Proposed Rule for Hedeoma Diffusum

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment time.

SUMMARY: The U.S. Fish and Wildlife Service extends the 1-year period on the proposed rule (48 FR 29929) to determine *Hedeoma diffusum* to be a threatened species for 6 additional months as provided for under section 4(b)(6)(B)(i) of the Endangered Species Act of 1973, as amended. Since the proposed rule was published in the **Federal Register**, the Forest Service has provided new information on the distribution and habitat requirements of *Hedeoma diffusum*. During the 1983 field season, the Forest Service identified a number of previously unknow sites for the species; the extension will allow time to gather data from one more field season in order to substantiate their 1983 field survey findings and more completely delineate the plant's distribution. The time extension will allow the U.S. Fish and Wildlife Service further opportunity to assess the data on the status of *Hedeoma diffusum*.

DATES: With this 6-month extension, the new deadline for the final rule will be December 29, 1984.

ADDRESSES: The complete file for this notice is available for inspection, by appointment, during normal business hours at the Regional Office, U.S. Fish and Wildlife Service, 421 Gold Avenue, SW., Room 407, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Peggy Olwell, Botanist, Region 2, Office of Endangered Species, 421 Gold Avenue, SW., Albuquerque, New Mexico (505/766-3972 or FTS 474-3972).

SUPPLEMENTARY INFORMATION:

Background

Hedeoma diffusum (Flagstaff pennyroyal), a member of the mint family, was proposed for listing as a threatened species in the June 29, 1983, **Federal Register**. This species is a narrow endemic restricted to the Coconino Plateau in and south of Flagstaff, Arizona. The factors affecting the species, as cited in the proposed rule (48 FR 29929), are the reduction of habitat due to urban development and other disturbances and the possible effects of disturbance from silvicultural practices.

In the summer and fall of 1983, Forest Service personnel conducted a survey of the area within two proposed timber sales on the Coconino National Forest for *Hedeoma diffusum*. This study expanded the known number of occurrences and individuals of the Flagstaff pennyroyal within the Coconino National Forest. Their preliminary observations indicate that opening of the forest canopy and reduction of pine needle accumulation through silvicultural activities may not adversely affect the habitat of *Hedeoma diffusum*. However, further study is necessary to determine the effects of such activities. The Forest Service has requested a 6-month extension of the proposed rule on the Flagstaff pennyroyal in order to confirm their preliminary findings and to pursue further survey of potential habitat for the species outside the two proposed timber sales areas. Future actions on the proposed listing of this species are being postponed until the results of the Forest Service survey are available. Upon receipt, and after a thorough analysis of their findings, the Service will decide whether to continue with the final listing of the species or to withdraw the proposal for *Hedeoma diffusum* as provided under section 4(b)(6)(B)(ii) of the Act. The authority for this extension is provided in section 4(b)(6)(B)(i) of the Endangered Species Act of 1973, as amended.

Literature Cited

Fletcher, R. 1984. *Hedeoma diffusum* Status Report Supplement. USDA Forest Service, Albuquerque, New Mexico. 7 pp.

Goodwin, Greg. 1983. Proposed Thomas and Walnut Timber Sales Mormon Lake District Coconino National Forest. Survey Results and Interim Management Guidelines for *Hedeoma diffusum* Greene. USDA Forest Service, Flagstaff, Arizona. 24 pp.

Irving, R. S. 1980. *Hedeoma diffusum* Greene Status Report. U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 15 pp.

Author

The primary author of this notice is Peggy Olwell, Endangered Species Botanist, Region 2 (see **ADDRESSES** above) (505/766-3972 or FTS 474-3972).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: May 29, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-15841 Filed 6-12-84; 8:45 am]
BILLING CODE 4310-55-M

50 CFR Part 20

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rule.

SUMMARY: This document supplements Federal Register Document 49 FR 11120 published on March 23, 1984, which notified the public that the U.S. Fish and Wildlife Service proposes to establish hunting regulations for certain migratory game birds during 1984–85, and provided information on certain proposed regulations.

This proposed rulemaking provides supplemental proposals and minor corrections for both the "early" and "late" season migratory bird hunting regulations frameworks. The early hunting seasons open prior to October 1 and include seasons on mourning doves; white-winged doves; band-tailed pigeons; woodcock; common snipe; rails and gallinules; September teal; sea ducks; early duck seasons in Florida, Iowa, Kentucky, and Tennessee; experimental early goose season framework in a portion of Michigan; special sandhill crane—Canada goose season in southwestern Wyoming; sandhill cranes in the Central Flyway and Arizona; migratory bird hunting seasons in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and special falconry seasons. Late seasons open about October 1 or later and include most waterfowl and sandhill crane seasons, and seasons not previously selected for other species. The Service annually prescribes hunting regulations frameworks within which the States select specific seasons. The effect of this proposed rule is to facilitate establishment of early and late season migratory bird hunting regulations for the 1984–85 seasons.

DATES: The comment period for proposed migratory bird hunting season frameworks for Alaska, Hawaii, Puerto Rico, and the Virgin Islands will end on June 21, 1984; that for other early season proposals will end on July 16, 1984; and that for late season proposals on August 17, 1984. Public Hearings on proposed early and late season frameworks will be held on June 21 and August 1, 1984, respectively (47 FR 11123).

ADDRESS: Send comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. The Public Hearings will be held in the Auditorium of the Department of the Interior Building on C Street, between 18th and 19th Streets, NW., Washington, D.C. Notice of intention to participate in this hearing should be sent in writing to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the supplemental proposed rulemaking will be available for public inspection during normal business hours in Room 536, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–254–3207).

SUPPLEMENTARY INFORMATION: The annual process for developing migratory game bird hunting regulations deals with regulations for early and late seasons. Early seasons include those which open before October 1, while late seasons open about October 1 or later. Regulations are developed independently for early and late seasons. The early season regulations cover mourning doves; white-winged doves; band-tailed pigeons; rails; gallinules; woodcock; common snipe; sea ducks in the Atlantic Flyway; teal in September in the Central and Mississippi Flyways; early duck seasons in Florida, Iowa, Kentucky, and Tennessee; and experimental early goose season framework in a portion of Michigan; sandhill cranes in the Central Flyway and Arizona; a special sandhill crane-Canada goose season in southwestern Wyoming; doves in Hawaii; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and some special falconry seasons. Late seasons include the general water fowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; other sandhill crane seasons; coots, gallinules, and snips in the Pacific Fylway; and other special falconry seasons.

Certain general procedures are followed in developing regulations for both the early and the late seasons. Initial regulatory proposals are announced in a Federal Register document published in March and opened to public comment. These proposals are supplemented, as necessary, with addition Federal Register notices. Following termination of comment periods and after public hearings, the Service further develops and publishes proposed frameworks for times of seasons, season lengths, shooting hours, daily bag and possession limits, and other regulatory elements. After consideration of additional public comments, the Service publishes final frameworks in the Federal Register. Using these frameworks, State conservation agencies then select hunting season dates and options. Upon receipt of State selections, the Service publishes a final rule in the Federal Register, amending Subpart K of 50 CFR Part 20, to establish specific seasons, bag limits, and other regulations. The regulations become effective upon publication. States may prescribe more restrictive seasons than those provided in the final frameworks.

The regulations schedule for this year is as follows. On March 23, 1984, the Service published in the Federal Register (49 FR 11120) a proposal to amend 50 CFR Part 20, with public comment periods ending as noted above. The proposal dealt with establishment of seasons, limits and other regulations for migratory birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. This document is the second in a series of proposed, supplemental, and final rules for migratory game bird hunting regulations. All comments on the March 23 proposal received through May 1, 1984, have been considered in developing this document. Comment periods on this second document are specified above under DATES. Final regulatory frameworks for migratory game bird hunting seasons for Alaska, Puerto Rico, and the Virgin Islands are scheduled for Federal Register publication on or about July 6, 1984, and those for early seasons in other areas of the United States on July 26, 1984.

On June 21, 1984, a public hearing will be held in Washington, D.C., as announced in the Federal Register of March 23, 1984 (49 FR 11120), to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, common snipe, and sandhill cranes. Proposed hunting regulations will be discussed for these species and migratory game birds in Alaska, Puerto Rico and the Virgin Islands; September teal seasons in the Mississippi and Central Flyways; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and special falconry seasons. Statements or comments are invited.

This supplemental proposed rulemaking describes a number of changes which have been proposed by commentors on the original framework proposals published on March 23, 1984, in the Federal Register. One minor error is corrected.

Review of Public Comments and the Service's Response

Written Comments Received

As of May 1, 1984, the Service had received comments on proposals published in the March 23, 1984 **Federal Register** (49 FR 11120) from 333 correspondents, including 306 individuals, 9 organizations, 14 State agencies, and 4 waterfowl flyway councils. In some instances, the communications did not specifically mention the open comment period or the regulatory proposals. However, because they were received duing the comment period and generally relate to migratory bird hunting regulations, they are treated as comments. These comments are discussed below with particular attention to new proposals, and modifications, clarifications or corrections to previously described proposals. Wherever possible, they are discussed under headings corresponding to the numbered items in the March 23, 1984, **Federal Register** (49 FR 11125–34). Comments received subsequent to May 1, 1984 as well as those received at the June 21, 1984, public hearing will be addressed in the next supplemental proposal to be published in the **Federal Register** in early July.

General Comments

In addition to specific recommendations identified below, the Central Flyway Council recommended adoption of the proposed regulations pertinent to seasons in the Central Management Unit and the Central Flyway for all migratory game birds.

The Pacific flyway Council recommended that no changes be made in the season frameworks for mourning doves, white-winged doves, and Four Corner States band-tailed pigeons and the early season frameworks for Alaska from those of 1983–1984 except as identified below.

Comments on Migratory Bird Hunting on Indian Reservations

In the March 23, 1984, **Federal Register** the service proposed to consider requests for migratory bird hunting seasons on Indian Reservations that differ from seasons applicable elsewhere in the States where the reservations are located. Proposed guidelines and procedures to be followed in considering such requests were described. Comment on this proposal have been received from 8 State wildlife agencies, 1 Indian Reservation, and the Pacific Flyway Council. All but one of the comments were in opposition to the proposal. Since further comments on this proposal are expected, the Service defers its response pending receipt and review of additional comments and recommendations.

2. *Framework dates for ducks and geese in the continental United States.* In letters received subsequent to the March 23, 1984, proposed rulemaking (49 FR 11120–11134) Indiana, Michigan, and Ohio requested consideration of a special 15–16 day late hunting season, in which the taking of scaup, goldeneyes, buffleheads, oldsquaws, scoters, eiders, and mergansers (except hooded) would be permitted. It was proposed that this special season would be offered in lieu of the special late scaup season option currently available in these States. Michigan proposed that the species mentioned would be valued as 25-point ducks under the point system. Ohio proposed a conventional daily bag limit of 5 ducks, singly or in the aggregate of the species mentioned. Ohio and Indiana proposed that the experimental late season would replace scaup-only seasons held in 1983, while Michigan proposed it would be held in areas formerly opened during a late scaup season plus additional named lakes and inter-connecting water. These requests were endorsed by the Upper Region Regulations Committee of the Mississippi Flyway Council at their March 25, 1984 meeting in Boston, Massachusetts.

In support of their proposal Michigan indicated a desire to restore duck hunter interest, which has been declining in the State. Ohio indicated their proposal is consistent with the Mississippi Flyway Council's species management concept and cited the special scaup and goldeneye season in the Lake Champlain Area of Vermont and New York as a precedent. Michigan and Ohio indicated that several of the species proposed to be harvested commonly occur in areas previously designated for scaup-only seasons and often are more abundant than scaup in those areas. All three States believe the special season would have no significant impact on the proposed species while providing additional hunting opportunity to a limited number of hunters.

The March 23, 1984, **Federal Register** (49 FR 11127) gave notice of requests from Alabama, Georgia, and South Carolina for extending the closing date of the duck hunting season from January 20 to January 31 in those States. By letters dated February 10 and March 8, 1984, Alabama further requested and urged immediate favorable consideration of a January 31, closing date. It was stated that the annual duck harvest in Alabama is only a small fraction of that taken by most other States in the Flyway, present hunting season dates do not permit Alabama an adequate share of the Flyway harvest, and a later season would improve hunter interest without having an adverse effect on the flyway population. On April 27, 1984, the Service received a letter from Georgia reiterating their request and stating that the sole purpose of the extension is to increase hunter satisfaction, and that the duck harvest would not be significantly increased. On April 11, 1984, South Carolina also reiterated their request and indicated the extension is an attempt to increase hunter satisfaction and the objectives of their study would be identical to those of the ongoing experimental framework extension study in Mississippi. In a letter dated April 24, 1984, a Jonesboro, Arkansas, duck hunter asked the Service to consider extending the duck season framework closing date in the Mississippi Flyway from January 20 to at least February 1.

The Mississippi Flyway Council's Lower Region Regulations Committee, by letter dated March 27, 1984, recommended that the closing framework date for duck hunting be extended from January 20 to January 31 in all States of the Lower Region (Louisiana, Mississippi, Alabama, Arkansas, Tennessee, and Kentucky) unless unacceptable impacts on the duck population are documented by the ongoing Mississippi experimental study. The Committee recommended a similar extension for goose hunting in Alabama, Arkansas, Kentucky, Mississippi and Tennessee.

The interest of several goose hunters from Maryland's western shore supporting a uniform goose hunting season throughout the State extending through January 31, was transmitted to the Service in a letter dated March 20, 1984, from their Congressional representative.

By letter of April 6, 1984, the Central Flyway Council recommended the framework closing date in that Flyway for hunting *light geese* i.e., all species of geese other than Canada geese, white-fronted geese, and black brant but primarily snow geese, be extended from the Sunday nearest January 20 to the Sunday nearest February 15, except in New Mexico (Central Flyway portion only) where the extension would be to February 28.

In support of this change the Council indicated that: The Mid-Continent (M-C) snow goose population increased roughly 50 percent between 1973 and 1982; the carrying capacity of some breeding habitat used by these geese has been exceeded; the geese are damaging annual ryegrass pastures in

the Texas coastal prairie, swathed small grains especially in Manitoba and North Dakota, and standing corn in northeastern Kansas. Season framework extensions should help with these problems was well as focus hunter interest on light geese at a time when seasons are closed on other geese. The Council further indicated that snow geese in the western Central Flyway have increased and now cause substantial depredations on crops in the middle Rio Grande Valley (especially in February). They believe the extended framework will permit greater flexibility in hunting without undue disturbance to introduced whooping cranes (the Grays Lake flock). The Council judges the proposed extension of framework dates for light geese to be consistent with the M-C Snow Goose Management Plan adopted by the Mississippi and Central Flyway Councils in 1982 and the Management Plan for Snow and Ross Geese in the Western Central Flyway also adopted in 1982 by the Central Flyway Council.

A hunter from Ogden, Utah, in a letter dated April 22, 1984, requested opening Utah's waterfowl season before October 1 in order to improve the shooting opportunities in the State.

Response. The Service is of the view that the proposals by Michigan, Indiana and Ohio for a special late hunting season for scaup, and other diving ducks run counter to a recent recommendation by the Upper Region Regulations Committee for an indepth evaluation by the Fish and Wildlife Service of all approved and ongoing experimental waterfowl seasons in order to assess their impact on waterfowl harvest and provide valuable information on which to base decisions on future experimental seasons. The Service concurs with the idea that further experimental seasons should be deferred pending completion and evaluation of ongoing studies and experiments. Accordingly, action is deferred on these proposals pending further evaluation and consultation with the Flyway Council.

The Service considered Alabama's request for a duck hunting season extending to January 31 during the 1983 regulations process. Such an extension was strongly opposed by all four Flyway Councils and was, therefore, not implemented. The Flyway Councils were concerned that such a change in regulations would compromise the study of stabilized regulations currently underway in the United States and Canada. Also, they felt that action on the request should be deferred pending the outcome of a study in Mississippi to evaluate the effects of a later season on duck populations and harvests there. Both studies are scheduled to continue through the 1984–85 hunting season. The Service believes that these are continuing concerns that must be considered in determining the most appropriate action to take. Accordingly, action on the requests from Alabama, Georgia and South Carolina, is deferred for now pending further consultation with, and recommendations from, the Flyway Councils.

The Service notes the recommendation of the Mississippi Flyway Council Lower Region Regulations Committee regarding a later season for duck hunting in all States of the Lower Region. This matter will be considered in the light of results from the study in Mississippi.

Extension of the closing date for goose hunting in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee to January 31 would primarily affect the hunting of Mississippi Valley Population (MVP) Canada geese. The Mississippi Flyway Council's MVP Committee is presently developing management recommendations to the Council for this population of geese. The Service defers action on the matter pending receipt of recommendations from the MVP Committee and endorsement of the Mississippi Flyway Council.

With regard to the request for a uniform goose season in Maryland extending through January 31, the Service has previously indicated a view that the western shore of Maryland is outside the areas of the Atlantic Flyway where 90-day seasons and 4-bird bag limits for Canada geese should be permitted (47 FR 36582). The Service has not received a formal proposal from Maryland in 1984 for a uniform statewide goose season nor has this issue had Atlantic Flyway Council (AFC) review. The suggested expansion seems to be inconsistent with the desire of the AFC to promote improved distribution of the population, particularly the proportion of the population utilizing more southerly wintering areas, by adjusting harvest regulations. For these reasons, the Service does not propose any action at this time.

The Service has reviewed the Central Flyway Council's rationale to extend framework closing date for light geese in the flyway. The Service believes the arguments advanced support such action and proposes to extend the framework as requested.

The request by a Utah hunter for an earlier duck season will be considered in consultation with appropriate officials in that State and the Flyway Council.

3. *Black ducks.* In the March 23, 1984, **Federal Register** (49 FR 11127) the Service noted a proposal from New Jersey to experimentally reduce the point value of female mallards from 70 points to 25 points in that State as a means of diverting hunting pressure away from the black duck. In a letter received April 9, 1984, one hunter supported the New Jersey proposal and recommended that it be implemented in the Altantic Flyway on the grounds that there would be an increased harvest of mallards that would subsequently reduce mallard-black duck hybridization, a phenomenon that appears to be adversely affecting black ducks.

Response. The Service has proposed (49 FR 11128) no change in black duck seasons and bag limits for the 1984–85 hunting season pending an evaluation of regulation changes implemented in the 1983–84 season, and further consideration of the potential impact on mallard and black duck populations of the change proposed by New Jersey. This was discussed in the March 23, 1984, **Federal Register** (see 49 FR 11128). The Service defers action on this matter pending further review and receipt of recommendation from the Atlantic Flyway Council.

5. *Sea ducks.* The Service provided notice of Delaware's request that the daily bag limit on sea ducks be increased from 7 to 10 in the March 23, 1984, **Federal Register** (49 FR 11128). In further comment on the request (letter of April 25, 1984), Delaware indicated that the change would make the bag limit consistent with the 10-point value placed on sea ducks during regular duck seasons in point system States. The State further indicated that few waterfowl hunters in Delaware pursue sea ducks, and the annual harvest is small; the increased bag limit would provide some increased hunting opportunity, and would not adversely affect sea duck populations.

Response. The Service is of the view that the rationale presented for this change does not adequately address the biological impact of increased harvest of sea ducks. There appears to be no reason to believe that the present bag limit is unsatisfactory. Accordingly, the Service proposes to defer action on this matter pending further review and consideration of recommendations from the Altantic Flyway Council.

8. *Experimental September duck seasons.* By letter of March 27, 1984, the Mississippi Flyway Council Lower Region Regulations Committee

recommended that the States of the Lower Region be given the option of selecting duck seasons in September to permit the harvest of early migrating and resident species of ducks provided the results of ongoing studies in Kentucky and Tennessee do not show that such a season would have unacceptable impacts on the duck population. The Committee also endorsed the Service's proposal in the March 23, 1984, Federal Register (49 FR 11128) to continue the regulatory provisions in effect during the experimental September duck season studies in Kentucky and Tennessee through the 1984 season.

In a letter received April 20, 1984, Iowa requested the framework opening date of their experimental September duck season be advanced from the Saturday nearest September 20 (September 22, 1984) to September 15 in order to coincide more closely with the State's peak blue-winged teal migration.

Response. The recommendation of the Lower Region Regulations Committee is viewed as being consistent with the desire of the Service to defer further action on September duck hunting seasons until ongoing experimental seasons have been evaluated.

Iowa's 3-year experimental September duck hunting season initiated in 1979/80 was extended for 3 years (1982/83–1984/85). A preliminary analysis of data is due by June 1, 1985, and a final report for all six experimental years (1979/80–1984/85) is due prior to the 1986 winter meeting of the Mississippi Flyway Council's Technical Section. Since the 6-year experimental study is in its last year the Service is of the view that action on the requested change should be deferred until the evaluation of this early duck hunting season is completed.

12. *Canvasback and redhead ducks.* Several Maryland duck hunters transmitted, through their Congressional representative, a request that the boundary of the State's special canvasback hunting area be changed from the first upstream bridge on the Patuxent River to the second upstream bridge, i.e., the Benedict Bridge.

Response. The special canvasback hunting area in Maryland is part of an experiment underway in 5 States in the Atlantic Flyway aimed at exploring alternatives to area closures as a means of managing the canvasback harvest. In 1979, the Atlantic Flyway Council proposed a late season canvasback hunt of short duration as an alternative to be tested. The details were subsequently worked out by a committee of State and Service biologists. A 3-year experimental season along with an evaluation plan was initiated in specified areas of the Atlantic Flyway previously closed to the taking of canvasbacks. The results of the first year of the experimental season are now being analyzed and interpreted by State and Service biologists. No changes are proposed in the Atlantic Flyway experimental canvasback season pending completion of the review of the 1983–84 data and receipt of recommendations from the Atlantic Flyway Council. Consideration will be given to the request from Maryland hunters in the course of the review.

13. *Zoning.* In August, 1983, the Service and the Louisiana Department of Wildlife and Fisheries completed a final report on a 6-year study of population levels, harvests, migration chronology and pathways, and survival rates of various species of ducks in Louisiana. The study, which involved a division of the State into 2 zones, was directed toward an evaluation of the relationship of Louisiana to the Central and Mississippi Flyways with respect to waterfowl management.

Since the initiation of management by Flyways in 1948, Louisiana has been included in the Mississippi Flyway. However, studies of duck migration in the 1950's indicated that ducks moved into Louisiana each fall through both the Mississippi and the Central Flyways. Subsequent investigations by personnel of the Illinois Natural History Survey, and the North Carolina Institute of Statistics, working under contract with the State of Louisiana, led those investigators to conclude that the State was more closely associated with the Central than the Mississippi Flyway. Accordingly, in 1972, the Louisiana Department of Wildlife and Fisheries proposed that the State be considered a part of the Central Flyway for purposes of establishing duck hunting regulations.

In evaluating the proposal, the Service conducted an Environmental Assessment (USDI, 1975). Based on the Assessment, the Service concluded that evidence available then did not support placing Louisiana in the Central Flyway. While it appeared that significant numbers of some duck species came from the Central Flyway, other species were more closely associated with the Mississippi Flyway. It appeared that both Flyways contributed importantly to the fall duck population in Louisiana, and contributions from the Central Flyway were more important to western than to eastern Louisiana. The Service concluded that further investigation was needed to clarify these flyway relationships.

To facilitate investigations, it was proposed that the State be divided experimentally into a West and an East Zone—the West Zone to have 5 more hunting days, taken early in the season, than the East Zone. Mississippi Flyway bag limits were to apply to both zones. With these conditions, the Service and the State conducted joint investigations aimed at clarifying the Flyway affinities of ducks in the two zones. The study was initiated in 1975 and continued through 1981. Data analysis was completed early in 1983.

The study indicates that the fall duck population in Louisiana is derived about equally from Mississippi and Central Flyways. Dabbling ducks as a group are derived to a somewhat greater degree from the Central than from the Mississippi Flyway (54% Central vs. 46% Mississippi), but the distribution varies widely among species. Mallards and wigeons, for example, are more strongly oriented to the Mississippi (56% and 65%, respectively) than to the Central Flyway, while green-winged teal, blue-winged teal, and pintails are more strongly oriented to the Central Flyway (58%, 63%, and 79%, respectively). Data are not sufficient to draw conclusions about gadwalls and shovelers. Diving ducks are derived to a greater degree (66%–68%) from the Mississippi than from the Central Flyway. Wood ducks, although not a part of this study, are primarily Mississippi Flyway birds.

When data for the West Zone only are examined, as opposed to data for the State as a whole, a stronger orientation to the Central Flyway is apparent. Sixty percent (60%) of West Zone ducks come from the Central Flyway. However, differences between dabbling and diving ducks and between species of dabbling ducks, similar to those described above, are evident. It may be concluded that for dabbling ducks as a group, the Central Flyway contributes more birds (65%) to the West Zone of Louisiana than does the Mississippi Flyway (35%). Mallards and probably wigeons are an exception to this; for gadwalls and shovelers, flyway relationships are unclear. In contrast to the West Zone, the main contribution of ducks to the East Zone is from the Mississippi Flyway.

Based on these findings, there are several options that can be considered for duck hunting regulations in Louisiana. One option is to continue with the hunting zones (East and West Zones), season lengths, and bag limits presently in effect as a part to this study. Under current regulations this would mean a 55-day season in the West Zone, and a 50-day season in the East Zone, with Mississippi Flyway bag limits in both zones. A second option is to apply Central Flyway season length to the West Zone with no change in the

East Zone. Under current regulations this would mean a 60-day season in the West Zone, and 50-day season in the East Zone with Mississippi Flyway bag limits in both zones. A third option is to apply Central Flyway season length and bag limits (somewhat more liberal than Mississippi Flyway bag limits) in the West Zone while continuing Mississippi Flyway regulations in the East Zone.

These options would provide recognition that both Central and Mississippi Flyways contribute ducks to the West Zone of Lousisana with the greater contribution coming from the Central Flyway. In this regard, the substantial contribution from the Mississippi Flyway should be carefully considered. In general, Mississippi Flyway ducks are subjected to relatively high levels of hunting pressure, and any additional pressure should be avoided to the extent possible.

Other options that can be considered are to apply Central Flyway regulations throughout the State without regard to zones or apply Mississippi Flyway regulations throughout the State, i.e., the regulations that were in effect before the study. Neither of these options appear to be consistent with the findings of the study.

Based on consultation with Lousisiana officials, the Service proposes to implement the second of the above options. That is, Central Flyway season length in the West Zone, Mississippi Flyway season length in the East Zone, and Mississippi Flyway bag limits in both zones. Under regulations in effect during the 1983-84 hunting seasons, this would mean a 60-day season in the West Zone, and a 50-day season in the East Zone. Since Louisiana customarily utilizes the point system, bag limits in both zones would be governed by the point values assigned to the Mississippi Flyway.

The Service sets forth this proposal now so that a decision can be made about future duck hunting regulations in Louisana during the 1984–85 regulations process. However, by agreement with Louisiana officials, no change in duck hunting regulations in Louisiana will be implemented until the 1985–86 hunting season. The purpose of this deferral is to avoid interference with the evaluation of stablized duck hunting regulations currently underway in the United States and Canada. The evaluation of stabilized regulations is scheduled to continue through the 1984–85 hunting season.

Those interested in additional information on this matter may obtain copies of the August, 1983, final report, and the 1975 Environmental Assessment upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Indiana and Ohio submitted proposals for 3-year experimental zoning studies of 3 waterfowl zones with split seasons within each zone commencing with the 1984–85 waterfowl season. Ohio proposed the following zones:

Zone 1. Consists of the counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingam, Guensey, Harrison, and Jefferson and all counties north thereof.

Zone 2. That portion of the State between the Zone 3 boundaries.

Zone 3. Consists of the counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, and Meigs.

Indiana's proposal would amend their 3-year zoning study of 2 waterfowl zones initiated in 1983–84. Their proposal described the following zones:

North Zone: That portion of the State north of State Highway 18.

South Zone: That portion of the State between the North and Ohio River Zone boundaries.

Ohio River Zone: That portion of the State south of Interstate 64.

At their March 25, 1984, meeting in Boston, MA, the Mississippi Flyway Council's Upper Region Regulations Committee endorse Indiana's and Ohio's zoning study requests and approved an Illinois request for minor changes in the State's northern and southern waterfowl zone boundaries. Exact locations of Illinois' proposed changes will be presented at the Council's summer meeting scheduled in July.

Response. The Service concurs with the zoning proposal studies submitted by Indiana and Ohio. Action is deferred on the minor boundary changes requested by Illinois pending receipt of a description of the exact boundary change locations.

14. *Goose and brant seasons.* By letter of April 12, 1984, Iowa requested authorization for a goose zone in a small area, bounded by U.S. Highways 92 and 71, in the southwest part of the State in order to more equitably distribute the State's goose hunting opportunities. The season within the zone would open approximately two weeks later than in the remainder of the State.

At their March 25, 1984, meeting in Boston, MA, the Upper Region Regulations Committee of the Mississippi Flyway Council endorsed the Iowa proposal and Michigan's requests, noted in the March 23, 1984, **Federal Register** (49 FR 11129–30), for including all species of geese in the bag limit for their Upper Peninsula experimental goose season and adding 5 southwestern Michigan counties (Barry, Kalamazoo, Calhoun, Branch, and St. Joseph; Eaton county and small portions of Kent, Allegan, Van Buren, and Cass counties would be included within a logical set of highway boundaries) to their 107-day season for the control of nuisance resident Canada geese.

In the March 23, 1984, **Federal Register** (49 FR 11130), the Service noted the substantial declines, in recent years, in populations of dusky Canada geese, Pacific Flyway white-fronted geese, cackling Canada geese and, to a lesser extent, Pacific brant, and the need for harvest restrictions on these populations. The Service proposed to not open the season on cackling Canada geese, insofar as practical considering management objectives for other subspecies of Canada geese, and to further restrict the harvest of Pacific Flyway Population white-fronted geese throughout their range in the United States. We deferred decisions regarding dusky Canada geese and Pacific brant pending additional information and recommendations from the Pacific Flyway Council. By letter of April 19, 1984, the Pacific Flyway Council endorsed the Service's proposal as given and recommended management strategies should be developed that would reduce the take of Pacific Flyway white-fronted geese and Black brant each by 50%.

Response. The Service concurs with Iowa's proposed southwestern goose zone, Michigan's proposal for including all species of geese in their Upper Peninsula experimental goose season bag limit and the addition of 5 southwestern counties to their 107-day season for the control of nuisance resident Canada geese, and the Pacific Flyway Council's recommendation to develop management strategies that would reduce by 50% each, the harvest of Pacific Flyway Population white-fronted geese and Black brant.

15. *Whistling swans.* The Service corrects the second sentence of the statement on whistling swans in the March 23, 1984 **Federal Register** (49 FR 11130) as follows, *In Utah, Nevada, Montana (Central and Pacific Flyways), North Dakota, and South Dakota an open season for taking a limited number of whistling swans may be selected* * * *. The omission of Utah, Nevada, Montana, and North Dakota was an oversight.

In the March 23, 1984, **Federal Register** (49 FR 11130) notice was given of North Carolina's intent to propose an experimental swan hunt in the State in 1984. Subsequently (by letter of April 4, 1984), North Carolina submitted a proposal to initiate a whistling swan

hunting season in that State in 1984–85 with a harvest objective of 2,000 swans. Six thousand permits, allowing each holder to harvest one swan per season, would be issued. The proposed season would run concurrently with the snow goose season. North Carolina indicated the number of swans wintering within the State has increased substantially based on winter survey records. Copies of North Carolina's proposal may be obtained from the North Carolina Wildlife Resources Commission, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina 27611.

Response. The Service is currently reviewing North Carolina's proposal. No specific action is proposed at this time pending completion of that review and further discussion with State officials. It is noted, however, that two-hundred ninety-seven individuals and 6 organizations have already written in opposition to any proposed sport hunting of whistling swans in the Atlantic Flyway.

16. *Sandhill cranes.* The Pacific and Central Flyway Councils in action taken at their meetings on March 25, 1984, in Boston, Massachusetts, endorsed the Service's proposal to continue the special sandhill crane hunting season in the Pacific Flyway portion of Wyoming.

22. *Band-tailed pigeons.* By letter of April 9, 1984, the Pacific Flyway Council recommended that no change be made in the Service's proposed 1984 season frameworks for bandtails in the Pacific Coast States except for Nevada. The Council recommended that Nevada be permitted to expand its present 3-county hunt area (Carson City, Douglas, and Lyon counties) to include Washoe, Humboldt, Pershing, Churchill, Mineral, and Storey counties and that Nevada be given the option to select its season and limits independent from that established by California for Alpine County.

Response. The Service concurs with the Pacific Flyway Council's recommendation to expand Nevada's band-tailed pigeon hunt areas and to permit Nevada to select its season and limits independent from that established in Alpine County, California.

23. *Mourning doves.* The Service gave notice in the March 23, 1984, **Federal Register** (49 FR 11132) of Delaware's request for expanding the present mourning dove season option of 70-days/12-bird bag limit or 60-days/15-bird bag to 90-days/12-bird bag or 70-days/15-bird bag. Action on the request was deferred by the Service pending receipt of additional information. By letter of April 25, 1984, Delaware reiterated their request for expansion of the mourning dove season option stating that mourning doves have successfully adapted to land use changes; their population has increased; hunters would be provided increased recreational opportunity; and there would be no adverse effect on the mourning dove population.

Response. In 1983 the mourning dove season option of 45-days/15 bird bag limit was changed to 60-days/15 bird bag at the request of the Dove Committee of the Southeastern Association of Fish and Wildlife Agencies. The Service is of the view that the options provided for the 1983–84 hunting season should remain in effect for 3 or more years to provide an opportunity for observing the effects, if any, on dove populations. Accordingly, it is proposed to defer consideration of Delaware's request for now.

24. *White-winged doves.* The Central Flyway Council endorsed a limited harvest of white-tipped (*Leptotila verreauxi*) doves in Texas during their mouring dove and special white-winged dove seasons with daily bag and possession limits of 2 and 4 whitetips, respectively.

Response. The white-tipped dove frequently occurs with mourning and white-winged doves during Texas hunting seasons. A Texas A and I University study concluded the resident white-tipped population in Texas has been increasing and could support a moderate harvest. The Service therefore concurs with the Central Flyway Council recommendation to permit the harvest of white-tipped doves in Texas during the State's 1984–85 mourning and white-winged dove seasons.

26. *Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands.* The World Society for the Protection of Animals (WSPA) by letter of April 2, 1984, expressed further concern about inadequate protection for migratory waterfowl in Puerto Rico and urged that action be taken to provide greater protection.

Response. The Service previously noted the concerns of the WSPA in the March 23, 1984, **Federal Register** (49 FR 11133). Hunting regulations in Puerto Rico in recent years have prohibited the taking of selected migratory birds and have identified areas closed to hunting in order to protect others. The Service has no reason to believe that the proposed regulations outlined in 49 FR 11133 are inadequate for management of protected birds in Puerto Rico. No information to the contrary has been provided by WSPA or others. Service representatives have recently visited Puerto Rico to further assess migratory bird survey and study needs and have conferred with Puerto Rican authorities on these matters. A periodic survey of waterfowl will be initiated in the fall and winter and the conduct of a harvest survey is under consideration. A wetlands inventory is in progress in the Commonwealth and will provide information required to establish habitat management needs. The Service continues to solicit additional information concerning the impact of hunting on migratory birds in Puerto Rico.

Public Comment Invited

Based on the results of migratory game bird studies now in progress and with due consideration for any data or views submitted by interested parties, the possible amendments resulting from this supplemental rulemaking will specify open seasons, shooting hours, and bag and possession limits for designated migratory game birds in the United States, including Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals and will take into consideration the comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations that differ from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: The need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the unavailabilty before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations. Therefore, the Service believes that to allow comment periods past the dates specified earlier is contrary to the public interest.

Comment Procedure

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate in the rulemaking process by submitting written comments to the Director (FWS/MBMO), U.S. Fish and

Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 536, Matomic Building, 1717 H Street, NW., Washington, D.C.

All relevant comments on proposals will be considered provided those for Alaska, Hawaii, Puerto Rico, and the Virgin Islands are received no later than June 21, 1984; those on early season proposals (except Alaska, Hawaii, Puerto Rico, and the Virgin Islands) are received no later than July 16, 1984; and those on late season proposals are received by August 17, 1984. The Service will consider all comments, but substantive response to individual comments may not be provided.

Flyway Council Meetings

Department of the Interior representatives will be present at the following meetings of flyway councils:

Atlantic Flyway—Barnstable, MA (Hyannis Resort Hotel) July 26–27
Mississippi Flyway—Wichita, KS (Canterbury Inn) July 28–29
Central Flyway—Wichita, KS (Canterbury Inn) July 29–30
Pacfic Flyway—Reno, NV (Reno Hilton) July 27

Although agendas are not yet available, these meetings usually commence at 8:30 to 9 a.m. on the days indicated.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical."

Section 7 consultations are presently underway regarding both the early and late season regulatory proposals. It is possible that the findings from the consultation, which will be included in a biological opinion, may cause modification of some of the regulatory measures proposed in this document. Any modifications that may be desirable will be reflected in the final frameworks for Alaska, Puerto Rico, and the Virgin Islands, scheduled for publication in the **Federal Register** on or about July 6, 1984; those for other early seasons on or about July 26, 1984; and for later seasons on or about August 30, 1984.

Hunting regulations are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats.

The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for public inspection in the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildife Service, Department of the Interior, Washington, D.C. 20240.

Regulatory Flexibility Act and Executive Order 12291

In the **Federal Register** dated March 23, 1984 (49 FR 11120), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. This information is included in the present document by reference. As noted in the above **Federal Register** publication, the Service plans to issue its Memorandum of Law for the migratory bird hunting regulations at the same time the first of the annual hunting rules is finalized. This rule does not contain any information collection requiring approval by OMB under 44 U.S.C. 3504H.

Authorship

The primary author of this proposed rulemaking is Morton M. Smith, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

List of Subjects in 50 CFR Part 20

Hunting, Wildlife, Exports, Imports, Transportation.

Dated: June 7, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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Notices

Federal Register
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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

June 8, 1984.

The Department of Agriculture has submitted to OMB 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. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 108–W Admin. Bldg., Washington, D.C. 20250, (202) 447–4414.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20530, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Revised

• Economics Research Service
Pesticide Situation and Outlook Survey
Annually
Businesses: 32 responses; 24 hours; not applicable under 3504(h)
Herman Delvo, (202) 447–8308

Extension (Burden Change)

• Rural Electrification Administration
Details of General Funds Notes, Accounts Receivable and Accounts Payable
REA 491
On Occasion
Small Businesses: 850 responses; 850 hours; not applicable under 3504(h)
John N. Rose, (202) 382–8532

• Rural Electrification Administration
Supplemental Loan Proposals Summary
REA 494
On Occasion
Small Businesses: 200 responses; 400 hours; not applicable under 3504(h)
John N. Rose, (202) 382–8532

• Rural Electrification Administration
Financial Requiremental Statement
REA 481
On Occasion
Small Businesses: 1,500 responses; 3,000 hours; not applicable under 3504(h)
John N. Rose, (202) 382–8532

New

• Agricultural Cooperative Service
Fertilizer Wholesaling and Manufacturing by Farmer Cooperatives
Non-Recurring
Businesses: 35 responses; 70 hours; not applicable under 3504(h)
Donald Vogelsang, (202) 382–1768.

Dewayne Hamilton,
Acting Department Clearance Officer.

[FR Doc. 84–15874 Filed 6–12–84; 8:45 am]
BILLING CODE 3410–01–M

Soil Conservation Service

East Yellow Creek Watershed, Missouri

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

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 will be available for the East Yellow Creek Watershed, Sullivan, Linn and Chariton Counties, Missouri in December 1985.

FOR FURTHER INFORMATION CONTACT: Paul F. Larson, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri, 65202, telephone 314/875–5214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul F. Larson, State Conservationist, has determined that the preparation and review of an environmental impact statement will be needed for this project.

The project concerns a plan for watershed protection, flood prevention and possible water supply. Alternatives under consideration to reach these objectives include systems for conservation land treatment, nonstructural measures, earth dams, dikes, and floodways.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. Future meetings will be held to further determine the scope of the evaluation of the proposed action. A mailing list of landowners and local, state and federal agencies have been assembled to announce future meetings and provide plan status. Persons or agencies desiring to be included on the mailing list should contact the Missouri SCS State Conservationist. Further informaiton on the proposed action, or the meeting may be obtained from Paul F. Larson, State Conservationist, at the

above address or telephone 314/875–5214.

(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)

Paul F. Larson,

State Conservationist.

[FR Doc. 84–15847 Filed 6–12–84; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended June 1, 1984

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by Expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.)

Date filed	Docket No.	Description
May 30, 1984	42239	South Pacific Island Airways, Inc., c/o Stephen A. Alterman, 1050 Seventeenth Street NW., 12th Floor, Washington, D.C. 20036. Application of South Pacific Island Airways, Inc. pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for a certificate of public convenience and necessity to provide scheduled, large aircraft service between any point in the United States and Hong Kong and Jakarta, Indonesia. Conforming Applications, Motions to Modify Scope and Answers may b filed by June 27, 1984.
June 1, 1984	42249	Capitol Air, Inc., c/o James M. Burger, Burger & Kendall, 1726 M Street NW., Washington, D.C. 20036. Application of Capitol Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to provide scheduled foreign air transportation of persons, property and mail as follows: From San Juan, Puerto Rico, on the one hand, and Toronto, Montreal, Canada, on the other hand. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 29, 1984.
June 1, 1984	42250	Arrow Air, Inc., c/o Lawrence D. Wasko, Seamon, Wasko & Ozment, 1211 Connecticut Ave. NW., Washington, D.C. 20036. Application of Arrow Air, Inc. pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance or amendment of a certificate of public convenience and necessity to engage in foreign air transportation of persons, property and mail between San Juan, Puerto Rico, on the one hand, and the coterminal points Toronto and Montreal, Canada, on the other hand, and the coterminal points Toronto and Montreal, Canada, on the other hand, nonstop and via intermediate points in the continental United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 29, 1984.
May 29, 1984	42238	Northwest Airlines, Inc., Minneapolis/St. Paul International Airport, St. Paul, Minnesota 55111. Application of Northwest Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment to its certificate of public convenience and necessity for Route 129 to permit Northwest to provide air transportation services between the United States and Singapore via Japan. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 26, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–15891 Filed 6–12–84; 8:45 am]

BILLING CODE 6320–01–M

[Docket 42088]

Elliott Travel Service, Inc., d.b.a. Travelers Choice and Jarid M. Schubiner; Enforcement Proceeding; Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter scheduled to commence on July 6, 1984 has been changed to commence on July 10, 1984, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 84–15892 Filed 6–12–84; 8:45 am]

BILLING CODE 6320–01–M

[Order 84–6–12]

Fitness Determination of Far West Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 84–6–12, Order to show Cause.

SUMMARY: The Board is proposing to find that Far West Airlines, Inc., is fit, willing, and able to provide commuter air carrier service under section 491(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards.

Responses

All interested persons wishing to respond to the Board's tentative fitness determination shall file their responses with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than June 25, 1984.

FOR FURTHER INFORMATION CONTACT: Franklin J. McDermott, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5105.

SUPPLEMENTARY INFORMATION: The complete text of Order 84–6–12 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84–6–12 to that address.

By the Civil Aeronautics Board: June 7, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–15890 Filed 6–12–84; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

National Technology Medal Nomination Evaluation Committee; Closed Meeting

AGENCY: Office of Productivity, Technology and Innovation, Office of Economic Affairs, Commerce.

ACTION: Notice of closed meeting.

SUMMARY: This notice announces the forthcoming closed meeting of the National Technology Medal Nomination Evaluation Committee. The Committee was chartered on February 9, 1984. The Committee shall make recommendations to the Secretary of Commerce, through a Steering Committee, concerning award of the National Technology Medal.

The Committee will meet only in executive session to discuss matters dealing with the relative merits of all persons and companies nominated for the Medal as a result of a public solicitation.

Time and Place

The meetings will begin at 9:30 a.m. and end at 5:00 p.m. on June 28 and 29. The meetings will be held in Rooms A and B of the Herbert C. Hoover Building, U.S. Department of Commerce, 14th and Constitution NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Dr. Philip Goodman, Executive Director, National Technology Medal Nomination Evaluation Committee, Room 4829, Herbert C. Hoover Building, U.S. Department of Commerce, Washington, DC 20230 (202) 377–0825.

SUPPLEMENTARY INFORMATION: A Notice of Determination to close the meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c) (4) and (6) was approved by the Assistant Secretary of Commerce for Administration, with the concurrence of the General Counsel on June 5, 1984 in accordance with the Federal Advisory Committee Act, since the discussions are likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy and may also disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential. A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230, (202) 377–4217).

Dated: June 7, 1984.

Jack Williams,

Acting Director, Office of Productivity, Technology and Innovation.

[FR Doc. 84–15816 Filed 6–12–84; 8:45 am]

BILLING CODE 3510–18–M

International Trade Administration

[C–791–010]

Galvanized Steel Wire Strand From South Africa; Final Results of Administrative Review of Suspension Agreement

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of suspension agreement.

SUMMARY: On April 13, 1984, the Department of Commerce published the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on galvanized steel wire strand from South Africa. The review covers the period May 1, 1983 through September 30, 1983.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: June 13, 1984.

FOR FURTHER INFORMATION CONTACT: Barbara Williams or Philip Otterness, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On April 13, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 14776) the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on galvanized steel wire strand form South Africa (48 FR 19451, April 29, 1983). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of South African galvanized steel wire strand. Such merchandise is currently classifiable under items 642.1142 and 642.1144 of the Tariff Schedules of the United States Annotated. The review covers the only known exporter of South African galvanized strand to the United States, Haggie Limited, the signatory to the suspension agreement.

The review covers the period May 1, 1983 through September 30, 1983 and four programs: (1) Preferential railroad rates; (2) Export Incentive Program—Categories A, B, and D; (3) the Iron/Steel Export Promotion Scheme; and (4) the General Levy and Import Subsidy Scheme.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results. We determine that Haggie has complied with the terms of the suspension agreement for the period May 1, 1983 through September 30, 1983. Therefore, the suspension agreement for South African galvanized strand shall remain in effect. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: June 6, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84–15815 Filed 6–12–84; 8:45 am]

BILLING CODE 33510–DS–M

[A–588–038]

Bicycle Speedometers From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On April 18, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on bicycle speedometers from Japan. The review covers 28 of the 34 known manufacturers and/or exporters of this merchandise to the United States and

generally two consecutive periods from November 1, 1980 through October 31, 1982.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of our review are the same as the preliminary results.

EFFECTIVE DATE: June 13, 1984.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–1130.

SUPPLEMENTARY INFORMATION:

Background

On April 18, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 15247–8) the preliminary results of its administrative review of the antidumping finding on bicycle speedometers from Japan (37 FR 24826, November 22, 1972). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of bicycle speedometers including double gear hub drive and single gear hub drive speedometers used on exercisers, currently classifiable under items 711.9300, 711.9820 and 732.4200 of the Tariff Schedules of the United States Annotated.

During the course of the review the Department determined that the "CELC" digital speedometers are within the scope of the finding.

The review covers 28 of the 34 known manufacturers and/or exporters of Japanese bicycle speedometers to the United States and generally two consecutive periods from November 1, 1980 through October 31, 1982.

We will cover shipments by Asahi Keiki Seisakusho Co., Ltd./Nippon (Nihon) Seiki Co., Ltd./Royal Industries Limited; Asahi/Yagami Corporation/Constellation Universal Corporation Limited; Asahi/Yagami; Asahi/Nippon Seiki/Noma Enterprises Co., Ltd.; Asahi/Nippon Seiki/N.S. International Ltd.; and Asahi/N.S. International Ltd. in a subsequent review.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review are the same as the preliminary results, and we determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Ednar, Inc	11/1/80–10/31/81	[1]0
	11/1/81–10/31/82	[1]0
Hatsune Electric Industrial Co., Ltd.	11/1/80–10/31/81	[1]0
	11/1/81–10/31/82	[1]0
Honda Lock K.K	11/1/80–10/31/81	[1]0
	11/1/81–10/31/82	[1]0
Kaken Corp. (Kagaku-Giken)/A&A Japan, Ltd.	11/1/80–10/31/81	[1]9.38
	11/1/81–10/31/82	[1]9.38
Kuwahara Co., Ltd	11/1/80–10/31/81	[1]0
	11/1/81–10/31/82	[1]0
Marui, Ltd	11/1/80–10/31/81	[1]25.89
	11/1/81–10/31/82	[1]25.89
Maruka Machinery	11/1/80–10/31/81	[1]0
	11/1/81–10/31/82	[1]0
Nissan Cycle Co	11/1/80–10/31/81	[1]25.89
	11/1/81–10/31/82	[1]25.89
Sanden International Corp. (Sankyo International)/Sankyo Electric Co.	11/1/80–10/31/81	[1]25.89
	11/1/81–10/31/82	[1]25.89
Sanden International Corp. (Sankyo International K.K.)/Nichibei Fuji Cycle Co., Ltd./Toshoku, Ltd.	11/1/80–10/31/81	[1]25.89
	11/1/81–10/31/82	[1]25.89
Sanden International Corp. (Sankyo International K.K.)/Sanyei Corp.	11/1/80–10/31/81	[1]25.89
	11/1/81–10/31/82	[1]25.89
Sanyei Corp	11/1/80–10/31/81	[1]25.89
	11/1/81–10/31/82	[1]25.89
Sanyo Electic Co., Ltd./Fujimoto Trading Co., Ltd.	11/1/80–10/31/81	[1]0.92
	11/1/81–10/31/82	[1]0.92
Sanyo Electric Co., Ltd./Inoue Trading Co.	11/1/80–10/31/81	[1]15.18
	11/1/81–10/31/82	[1]15.18
Sanyo Electric Co., Ltd./Marui, Ltd.	11/1/80–10/31/81	[1]24.16
	11/1/81–10/31/82	[1]24.16
Sanyo Electric Co., Ltd./Nichibai Fuji Cycle Co., Ltd./Toshoku Ltd.	11/1/80–10/31/81	[1]17.24
	11/1/81–10/31/82	[1]17.24
Sanyo Electric Co., Ltd./Sanyo Electric Trading Co.	11/1/80–10/31/81	[1]5.76
	11/1/81–10/31/82	[1]5.76
Sanyo Electric Co., Ltd./Tokyo Pac Sales.	11/1/80–10/31/81	[1]2.87
	11/1/81–10/31/82	[1]2.87
Sanyo Electric Co., Ltd./Yagami Corp.	11/1/80–10/31/81	[1]25.89
	11/1/81–10/31/82	[1]25.89
Shin-ei Trading Co., Ltd	11/1/80–10/31/81	[1]0
	11/1/81–10/31/82	[1]0
Taiyo Electric Co./Yagami Corp.	11/1/80–10/31/81	[1]7.0
	11/1/81–10/31/82	[1]7.0
Tsuyama Mfg. Co., Ltd	11/1/81–10/31/82	[1]0
Tsuyama Mfg. Co., Ltd./Yagami Corp.	11/1/81–10/31/82	[1]2.11
Tsuyama Mfg. Co., Ltd./Shinwa Trading Co.	11/1/81–10/31/82	[1]0
Tsuyama Mfg. Co., Ltd./Mitsui & Co., Ltd.	11/1/81–10/31/82	[1]0
Tsuyama Mfg. Co., Ltd./Kozaki Trading Co.	11/1/81–10/31/82	[1]0.24
Tsuyama Mfg. Co., Ltd./H. Tano & Co., Ltd.	11/1/81–10/31/82	[1]0
Tsuyama Mfg. Co., Ltd./Asia Machinery Trading.	11/1/81–10/31/82	[1]0

[1] No shipments during the period.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for these firms. Since the weighted-average margin for Tsuyama Mfg. Co., Ltd/Kozaki Trading Co. is less than 0.5 percent and, therefore *de minimis* for cash deposit purposes, the Department shall waive the deposit requirement for that combination. For the firms that we are deferring in this review, the cash deposit is based upon the most recent rate for those firms, which is 25.89 percent. For any future shipments from a new exporter not covered in this or prior reviews, whose first shipments occurred after October 31, 1982, and who is unrelated to any reviewed firm, a cash deposit of 2.11 percent shall be required. These deposit requirements and waiver shall become effective on the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S. C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated. June 6, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84–15836 Filed 6–12–84; 8:45 am]

BILLING CODE 3510–DS–M

[A–427–072]

Viscose Rayon Staple Fiber From France; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On April 18, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on viscose rayon staple fiber from France. The review covers the two known exporters and one third-country (Netherlands) reseller of this merchandise to the United States and consecutive periods from March 1, 1981, through February 28, 1983.

We give interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged

from those presented in the preliminary results.

EFFECTIVE DATE: June 13, 1984.

FOR FURTHER INFORMATION CONTACT: Ron Nichols or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On April 18, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 15249) the preliminary results of its administrative review of the antidumping finding on viscose rayon staple fiber from France (44 FR 17156, March 21, 1979). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated.

The review covers the two known exporters of French viscose rayon staple fiber, Rhone-Poulenc Textile and Achille Bayart et Cie, and the one known third-country (Netherlands) reseller, B.V. Textielfabriek Huizen, and consecutive periods from March 1, 1981 through February 28, 1983.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review, and we determine that the following margins exist:

	Time period	Margin (percent)
Manufacturer/exporter:		
Rhone-Poulenc Textile	03/01/81–02/28/82	24
	03/01/82–02/28/83	[1] 24
Rhone-Poulenc Textile/Achille Bayart et Cie.	03/01/81–02/28/83	[1] 24
Manufacturer/third-country reseller (country):		
Rhone-Poulenc Textile/B.V. Textielfabriek Huizen (Netherlands).	03/01/81–02/28/82	24
	03/01/82–02/28/83	[1] 24

[1] No shipments during the period.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 24 percent shall be required on all shipments of French viscose rayon staple fiber entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: June 6, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-15837 Filed 6-12-84; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; U.S. Department of Agriculture

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials, Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No: 84–84. Applicant: U.S. Department of Agriculture, Urbana, IL 61801. Instrument: Pressure probe. Manufacturer: Kernforschungsanlage Julich GmbH, West Germany. Intended use: See notice at 49 FR 8056.

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: The foreign instrument is capable of measuring turgor pressure in individual growing plant cells (about 20 x 20 x 100 micrometers in size) because of the small effective volume of its pressure chamber (approximately 0.1 to 0.001 nanoliters). The National Institutes of Health advises in its memorandum dated May 21, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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. 84-15833 Filed 6-12-84; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; Brookhaven National Laboratory

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 84–100. Applicant: Brookhaven National Laboratory, Upton, NY 11973. Instrument: Cryomicrotome, Type 450 MP, Model LKB 2250–041. Manufacturer: PMV Palmstiernas Mekaniska, Sweden. Intended use: See notice at 49 FR 10323.

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: The foreign instrument can produce frozen sections of whole animal or human organ tissue of uniform thickness (1 to 999 micrometers) and large size (450 x 150 millimeters). The National Institutes of Health advises in its memorandum dated May 21, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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. 84-15832 Filed 6-12-84; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; University of Florida

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 84-108. Applicant: University of Florida, Gainesville, FL 32611. Instrument: Automatic Recording Spectropolarimeter, Model J-500C with Accessories. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use: See notice at 49 FR 14155.

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: The foreign instrument provides measurement of circular dichroism spectra in the range from 185 to 1000 nanometers with high frequency switching (50,000 times per second) between right- and left-circularly polarized light. The National Institutes of Health advises in its memorandum dated May 21, 1984 that (1) the capability of the foreign instrument describe 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)

[FR Doc. 84-15834 Filed 6-12-84; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; Yale University

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 84-67. Applicant: Yale University, New Haven, CT 06520. Instrument: Laser Filter Monochromator, Model Laser-spec III with Accessories. Manufacturer: Anaspec International Limited, United Kingdom. Intended use: See notice at 49 FR 8055.

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: The foreign instrument is an accessory to upgrade an existing laser by filtering unwanted laser lines. It provides filtered transmission up to 82 percent, a 0.01 to 0.18 nanometer (nm) bandpass, a range from 400 to 900 nm and allows output of very high laser power. The National Bureau of Standards advises in its memorandum dated May 31, 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. 84-15835 Filed 6-12-84; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Import Restraint Limit for Certain Cotton Textile Products Exported From Peru

June 8, 1984.

On April 26, 1984, a notice was published in the **Federal Register** (49 RR 18027) announcing that, on April 10, 1984, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, had requested that the Government of Peru enter into consultations concerning exports to the United States of cotton twill in Category 317pt., (only T.S.U.S. numbers 320.—01 through 331.—98 with statistical suffixes 58 and 64, produced or manufactured in Peru.

Consultations with the Government of Peru concerning this category have not yet been, but may be held. The United States Government has decided to control imports of cotton twill in Category 317pt., produced or manufactured in Peru and exported during the twelve-month period which began on April 10, 1984 and extends through April 9, 1985 at a level of 8,173,427 square yards. In the event a different solution is reached during consultations, further notice will be published in the **Federal Register.**

Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commssioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 317pt. exported during the twelve-month period which began on April 10, 1984 in excess of the designated restraint limit.

EFFECTIVE DATE: June 14, 1984.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C., (202/377-4212).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

June 8, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed, effective on June 14, 1984, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 317pt.,[1]

[1] In Category 317, only T.S.U.S.A. numbers 320.—58, 321.—58, 322.—58, 323.—58, 324.—58, 325.—58,

Continued

produced or manufactured in Peru and exported during the twelve-month period which began on April 10, 1984, in excess of 8,173,427 square yards. [2]

Textile products in Category 317pt.[1] which have been exported to the United States before April 10, 1984 shall not be subject to this directive.

Textile products in Category 317pt.[1] which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

The action taken with respect to the Government of Peru and with respect to imports of cotton textile products from Peru has been determined by the Committee for the Implementation of Textile agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-15838 Filed 6-12-84; 8:45 am]

BILLING CODE 3510-DR-M

Amending the Visa Requirement Concerning Certain Man-Made Fiber Gloves From the Philippines

June 8, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 14, 1984. For further information contact Carl Ruths, International Trade Specialist (202) 377-4212.

Background

During consultations held April 2-6, 1984 under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1984, as amended, the Governments of the United States and the Republic of the Philippines agreed, among other things, to amend the export visa requirement for man-made fiber gloves and mittens in Category 631. Effective on June 14, 1984, man-made fiber gloves and mittens in Category 631, exported on and after May 24, 1984, in order to meet the correct category requirement, should be visaed as follows:

631-W—Work gloves in T.S.U.S.A. numbers 704.3215, 704.8525, and 704.9000

631-0—Gloves other than work gloves in all T.S.U.S.A. numbers in the Category except 704.3215, 704.8525, and 704.9000

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

June 8, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of November 21, 1979, as amended, from the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton, wool and man-made fiber textile products in designated categories for which the Government of the Republic of the Philippines had not issued an appropriate export visa or exempt certification.

Effective on June 14, 1984, the directive of November 21, 1979 is hereby further amended to require that man-made fiber textile products in Category 631 which have been exported on and after May 24, 1984 should be visaed as follows in order to meet the correct category requirement:

631-W—Work gloves in T.S.U.S.A. numbers 704.3215, 704.8525, and 704.9000

631-0—Gloves other than work gloves in all T.S.U.S.A. numbers in the Category except 704.3215, 704.8525, and 704.9000

The Committee for the Implementation of Textile Agreements has determined that these actions falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-15839 Filed 6-12-84; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a proposed collection of information in the form of a consumer usage survey to measure exposure of households to (1) selected groups of products containing methylene chloride (DCM) and (2) perchloroethylene in coin-operated dry cleaning equipment.

The purpose of this project is to obtain data on consumer exposure to products commonly used in and around the home which contain dichloromethane or methylene chloride (DCM) and to obtain data on consumer exposure to chemicals (perchloroethylene) from coin-operated dry cleaning facilities.

The data on DCM will be a vital adjunct to animal inhalation data currently being collected by scientists for the National Toxicology Program. Since the results of this animal study may result in a recommendation to the Consumer Product Safety Commission to convene a Chronic Hazard Advisory Panel toward the end of 1984, consumer exposure data are required to prepare a risk assessment.

DCM is widely used as a paint remover and solvent. Six categories of consumer products containing DCM have been identified, which have been preliminarily ranked in order of importance for consumer exposure, taking into consideration chlorocarbon content and expected frequency of use.

Product category	Estimated percent of households with product
Paint Strippers	5-10
Paint Thinners	5-10
Aerosol Spray Household Cleaning Agents (e.g. tub/tile cleaners)	40-60
Aerosol Spray Paints/Varnishes	10-15
Aerosol Spray Furniture Care Products	40-50
Aerosol Spray Laundry Treatment Products (prewashes/starches, etc.)	40-50

A contract will be awarded to conduct a survey of a representative sample of consumers who use products in the six groups listed above and also of users of coin-operated dry cleaning establishments. The survey will provide

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326.—58, 327.—58, 328.—58, 329.—58, 330.—58, 331.—58, 320.—64, 321.—64, 322.—64, 323.—64, 324.—64, 325.—64, 326.—64, 327.—64, 328.—64, 329.—64, 330.—64, and 331.—64.

[2] The level of restraint has not been adjusted to reflect any imports exported after April 9, 1984.

data on how American households use and are exposed to products containing DCM and perchloroethylene.

The Commission's Directorate for Health Sciences will, at the same time, develop data on the likely exposure to DCM that would result from use of the identified DCM-containing products.

The information collected through this survey will enable the Commission staff to do comprehensive exposure modeling and to evaluate the potential household exposures to DCM and perchloroethylene. These exposure data are essential for quantitative assessments of potential risks to consumers from the use of consumer products containing these chemicals.

The questionnaires will be administered by telephone to a consumer panel. A screening technique will identify seven separate samples of 173 households for each product category from the panel. Each sample will be balanced to reflect the U.S. population in terms of geography and selected household characteristics.

Information About the Proposed Collection of Information

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Consumer usage survey to measure exposure of households to (1) selected groups of products containing methylene chloride (DCM) and (2) perchloroethylene in coin-operated dry cleaning equipment.

Type of request: Approval of new plan.

Frequency of collection: One time.

General description of respondents: Members of consumer panel.

Estimated number of respondents: 1211.

Estimated average number of hours per response: ⅓.

Comments: Comments on this proposed collection of information should be addressed to Andy Valez-Rivera, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; telephone (202) 395-7313. Copies of the proposed collection of information requirement are available from Francine Shacter, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: June 8, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 84-15877 Filed 6-12-84; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

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

AGENCY: Defense Logistics Agency (DLA), DoD.

ACTION: Notice of 2 amended systems of records.

SUMMARY: The Defense Logistics Agency proposes to amend 2 system notices for systems of records subject to the Privacy Act of 1974, as amended. Following identification of the specific changes therein, the amended notices are published below in their entirety.

DATE: These amended record systems shall become effective on or before July 13, 1984, unless comments are received which result in a contrary determination.

ADDRESS: Send any comments to the System Manager identified in the particular system notice.

FOR FURTHER INFORMATION CONTACT: Ms. Cheryl S. Morrissey, Headquarters, Defense Logistics Agency (ATTN: DLA-XAM), Cameron Station, Alexandria, Virginia 22314. Telephone: (202) 274-6234.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for records systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a) Pub. L. 93-579 were published in the Federal Register as follows:

FR Doc. 83-12048 (48 FR 26199) June 6, 1983
FR Doc. 83-21634 (48 FR 36311) August 10, 1983
FR Doc. 83-21967 (48 FR 36514) August 11, 1983
FR Doc. 83-23506 (48 FR 39121) August 29, 1983
FR Doc. 83-33578 (48 FR 56104) December 19, 1983
FR Doc. 84-2532 (49 FR 3900) January 31, 1984
FR Doc. 84-11234 (49 FR 18152) April 27, 1984
FR Doc. 83-14824 (49 FR 23106) June 4, 1984

The Defense Logistics Agency has submitted an altered system report dated April 27, 1984 for these 2 amended systems of records under the provisions of 5 U.S.C. 552a(o) of the Privacy Act and processed under OMB Circular No. A-108, Transmittal Memorandum No. 1 dated September 30, 1975 and Transmittal Memorandum No. 3 dated May 17, 1976.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

June 8, 1984.

Amendments

System Number:

S160.50.

System Name:

Criminal Incidents/Investigations.

Changes

Purpose(s)

Add caption and insert:

"Information is maintained for the purpose of monitoring the progress of investigations, identification of crime conducive condition, crime and loss prevention, and preparation of statistical data required by higher authority. Information is used by: DLA Security personnel—to monitor progress of cases, develop non-personal statistical data on crime and loss incidence; crime and loss prevention and to enable planning of required crime investigative support for the future. DLA counsel—review of cases and determination of proper legal action. DLA supervisors and managers—to determine actions required to correct the causes of losses, and to take appropriate action against DLA employees in cases of their involvement."

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses

Delete current entry and insert:

"Information may be referred to local, state, or federal law enforcement agencies when the information indicates a violation of local, state, or federal laws.

"See also blanket routine uses set forth at the beginning of this agency's listing of record systems."

Storage

Delete current entry and insert:

"Records maintained in combination of paper and automated files."

Safeguards

Delete current entry and insert:

"Records, as well as computer terminals, are maintained in areas accessible only to DLA security personnel. In addition, access to a retrieval from computerized files is limited to authorized users and is password protected."

System Number:

S333.10.

System Name:

Attorney Personal Information and Applicant Files.

Changes:

System Location

Delete current entry and insert:

"Primary System—Defense Logistics Agency Administrative Support Center, Cameron Station, Alexandria, Virginia 22314. Main computer location. Backup manually stored at Office of General Counsel (DLA–G).

"Decentralized segments—Offices of Counsel, Primary Level Field Activities (PLFAs), hold personnel records for resident attorneys and applications for attorney field positions."

Categories of Records in the System

Delete the period at the end and replace it with a semicolon. Add the following after the semicolon: "abstracts from paper records stored on magnetic disks."

Purpose(s)

Add caption and insert:

"Applications are used for filling positions in all DLA legal offices. Attorney information folders are maintained for review incident to personnel actions including promotions, performance appraisals, reassignments, etc. and as a general performance and experience record."

Routine Uses of records Maintained in the System, Including Categories of Users and the Purposes of Such Uses

Delete current entry and insert:

"Parts of the information maintained may be submitted to other agencies considering the attorney for employment. Information may be used in answering inquiries from individuals, Congressmen or other Government agencies or for verification of employment."

"See also blanket routine uses set forth at the beginning of this agency's listing of record systems."

Storage

Delete current entry and insert:

"Primary system records stored on paper in file folders at DLA–G and abstracted on magnetic disks at main computer location.

"Decentralized segments stored on paper in file folders."

Safeguards

Delete current entry and insert:

"Paper: Attorney information folders and applications are kept in locked file cabinets accessible only to authorized personnel of the Office of Counsel or as determined by Counsel.

"Magnetic: Access controlled by computer-verified passwords; main frame computer is in controlled area; terminal is accessible only by Office of General Counsel authorized personnel."

Retention and Disposal

Delete from the first sentence the word "two" and substitute therefor the word "one."

System Manager(s) and Address

Delete current and Address

"Headquarters, Defense Logistics Agency, ATTN: DLA–G (Privacy Act System Manager), Cameron Station, Alexandria, Virginia 22314, telephone: (202) 274–6156."

Record Access Procedures

Delete current entry and insert:

"Requests should be addressed to the System Manager."

Systems 160.50 and 333.10 read as follows:

S160.50

SYSTEM NAME:

Criminal Incidents/Investigations.

SYSTEM LOCATION:

Primary System—case files on all incidents of known or suspected criminal activity or other serious incidents which may arouse local or national news media or Congressional interest: Command Security Office, Headquarters Defense Logistics Agency (HQ DLA). Decentralized segments—above files plus incidents of minor nature: HQ DLA principal staff elements, DLA Primary Level Field Activities (PLFA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel of DLA, contractor employees, and other persons who committed or are suspected of having committed a felony or misdemeanor on DLA controlled activities or facilities; or outside of those areas in cases where DLA is or may be a party of interest.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of Investigation, messages, statements of witness, subjects and victims, photographs, laboratory reports and other related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21, Internal Security Act of 1950 (Pub. L. 831, 81st Congress) DoD Instruction 5200.22, Reporting of Security and Criminal Violations, and Memorandum Deputy Secretary of Defense dated May 7, 1974, which assigned to the Director of DLA the responsibility for identifying all DLA activities requiring criminal investigative support and crime prevention surveys, provide control coordination of such investigation and surveys, and to ensure optimum investigative support and mutual exchange of relevant information between participating agencies.

PURPOSES(S):

Information is maintained for the purpose of monitoring the progress of investigations, identification of crime conducive condition, crime and loss prevention, and preparation of statistical data required by higher authority. Information is used by: DLA Security personnel—to monitor progress of cases, develop non-personal statistical data on crime and loss incidence; crime and loss prevention and to enable planning of required crime investigative support for the future. DLA counsel—review of cases and determination of proper legal action. DLA supervisors and managers—to determine actions required to correct the causes of losses and to take appropriate action against DLA employees in cases of their involvement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be referred to local, state, or federal law enforcement agencies when the information indicates a violation of local, state, or federal laws.

See also blanket routine uses set forth at the beginning of this agency's listing of records systems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in combination of paper and automated files.

RETRIEVABILITY:

Filed chronologically by DLA case number and cross indexed in a log and card index file. Indexed either by name of the individual or firm involved, when such are known, if not, by DLA activity or facility having primary interest in the case.

SAFEGUARDS:

Records, as well as computer terminals, are maintained in areas accessible only to DLA security personnel. In addition, access to a retrieval from computerized files is

limited to authorized users and is password protected.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after submitted or receipt of a final report in each case or when no longer needed, which ever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Command Security Officer, DLA; Heads of PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGERS are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some aceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified with the file.

CONTESTING RECORD PROCEDURES:

DLA's rules for contesting contents as well as appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Reports of investigation by DLA Security Officers, Federal, State and Local law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C. 552a(k)(2) as applicable. Agency rules pertaining to this exemption are set forth both in Appendix C of 32 CFR Part 1286 and DLA Regulation 5400.21. For additional information, contact the System Manager.

S333.10

SYSTEM NAME:

Attorney Personal Information and Applicant Files.

SYSTEM LOCATION:

Primary System—Defense Logistics Agency Administrative Support Center, Cameron Station, Alexandria, Virginia 22314. Main computer location. Backup manually stored at Office of General Counsel (DLA–G).

Decentralized segments—Offices of Counsel, Primary Level Field Activities (PLFAs), hold personnel records for resident attorneys and applications for attorney field positions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DLA attorneys, former DLA attorneys, and applicants for DLA legal positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cover letters, resumes and Forms 171 submitted by applicants and replies thereto; and for DLA attorneys records of promotions, courses completed, position descriptions, performance appraisals, Forms 171, personnel actions, educational transcripts, recommendations and related documents. Abstracts from paper records stored on magnetic disks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3101, General Authority to Employ, Executive Order 10577, Office of Personnel Management Regulation, § 213.3102 (d) and (e), 10 U.S.C. 137.

PURPOSE(S):

Applications are used for filling positions in all DLA legal offices. Attorney information folders are maintained for review incident to personnel actions including promotions, performance appraisals, reassignments, etc. and as a general performance and experience record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Parts of the information maintained may be submitted to other agencies considering the attorney for employment. Information may be used in answering inquiries from individuals, Congressmen or other Government agencies or for verification of employment.

See also blanket routine uses set forth at the beginning of this agency's listing of records systems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary system records stored on paper in file folders at DLA–G and abstracted on magnetic disks at main computer location.

Decentralized segments stored on paper in file folders.

RETRIEVABILITY:

Filed by surname of attorney or applicant.

SAFEGUARDS:

Paper: Attorney information folders and applications are kept in locked file cabinets accessible only to authorized personnel of the Office of Counsel or as determined by Counsel.

Magentic: Access controlled by computer-verified passwords; main frame computer is in controlled area; terminal is accessible only by Office of General Counsel authorized personnel.

RETENTION AND DISPOSAL:

Applications are kept for one year from receipt. Attorney information folders are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, Defense Logistics Agency, ATTN: DLA–G (Privacy Act System Manager), Cameron Station, Alexandria, VA 22314, telephone: 202/274–6156

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and, if appropriate, date application was submitted.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Applicants, employees, co-employees, outside references, supervisors, and personnel offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84–15806 Filed 6–12–84; 8:45 am]
BILLING CODE 3620–01–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act.

DATES: Interested persons are invited to submit comments on or before July 13, 1984.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of

Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208 New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster, (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The requirement for public consultation may be amended or waived by OMB to the extent that the public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform the statutory obligations. The Deputy Under Secretary for Manangment publishes this notice containing proposed information requests prior to the submission of these requests to the OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested; (2) Title; (3) Agency form number (if any); (4) Frequency of the collecting; (5) The affected public; (6) Reporting Burden; and/or (7) Recordkeeping Burden; and (8) Abstract. Public comment is invited by the OMB at the address specified above. Copies of the requests may be obtained from Margaret Webster at the address specified above.

Dated: June 8, 1984.

Ralph J. Olmo,

Acting Deputy Under Secretary for Management.

Office of Bilingual Education and Minority Languages Affairs

Type of Review Requested: NEW
Title: Emergency Immigrant Education Assistance
Frequency: Non-Recurring
Affected Public: State and local Governments
Reporting Burden: Responses: 57; Burden Hours: 8,892
Recordkeeping Burden: Recordkeepers: 57; Burden Hours: 5,130

Abstract: The Secretary makes awards to State educational agencies (SEAs) that submit applications for funding, which include the required assurances governing expenditure of funds and data on the number of eligible children. The Secretary determines the amount of an award to an SEA based on the number of eligible children reported. The awards will assist SEAs in meeting the cost of providing supplementary educational services to these children.

[FR Doc. 84-15831 Filed 6-12-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP80-2-012, et al.]

Alabama-Tennessee Natural Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

June 8, 1984.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 19, 1984. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
5/7/84	Alabama-Tennessee Natural Gas Co.	RP80-2-012	Report.
5/15/84	Distrigas of Massachusetts Corp.	RP81-34-009	Do.
5/15/84	Trunkline Gas Co.	RP73-77-024	Do.
5/24/84	Eastern Shore Natural Gas Co.	RP83-32-003	Do.
5/24/84	United Gas Pipe Line Co.	RP82-57-015	Do.
5/25/84	East Tennessee Natural Gas Co.	RP71-15-016	Do.
5/29/84	National Fuel Gas Supply Corp.	RP80-135-040	Do.

[FR Doc. 84-15859 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-413-000]

ANR Pipeline Co.; Request Under Blanket Authorization

June 8, 1984.

Take notice that on May 15, 1984, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP84-413-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that ANE proposes to transport natural gas on behalf of Briggs, a Division of the Celotex Corporation (Briggs), under the authorization issued in Docket No. CP82-480-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, ANR proposes to transport up to 1,000 dt equivalent of natural gas per day for Briggs through June 30, 1985. ANR states that the gas to be transported would be purchased from Delta Gas Resources, Incorporated (Delta), and would be used primarily as fuel in dryers and boilers in Briggs' Abingdon, Illinois, facility. ANR states that it would receive the gas at existing delivery points on its system in Hughes and McIntosh Counties, Oklahoma, and redeliver such gas to Illinois Power Company (IPC), the distribution company serving Briggs. Pursuant to the agreement, Briggs would cause Delta to cause Transok Pipe Line Company (Transok) to tender the contract quantity to ANR for Briggs' account; ARN would transport and deliver equivalent volumes to Illinois Power Company (IPC) for Briggs' account, it is explained. ANR's system, it is further explained, is interconnected with the pipeline system of Transok in Custer County, Oklahoma, and is interconnected with the pipeline system of IPC in Henry County, Illinois. ANR is advised that IPC, a local distribution company, would provide additional transportation for, or on behalf of, Briggs.

ANR requests "flexible authority" to provide additional transportation service (if any) to Briggs' facility in Abingdon, Illinois, within the maximum daily and annual volumes authorized. ANR avers that such transportation service would be rendered under the same terms and conditions authorized for basic services. As consideration for providing the transportation service ANR states that it would charge 44.6 cents per dt for all gas transported and delivered to IPC for Briggs' account, which rate is based upon ANR's Rate Schedule EUT-1 on file in its FERC Gas Tariff, Original Volume No. 1.

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. 84-15860 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-437-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

June 8, 1984.

Take notice that on May 22, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP84-437-000 as request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) stating that Columbia proposes to transport natural gas on behalf of Ludlow Corporation, Flexible Packaging Div. (Ludlow), under the authorization issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 450 million Btu equivalent of natural gas per day for Ludlow, for a term of one year. Columbia states that the gas to be transported would be purchased from Edco Drilling & Producing, Inc. (Edco) in Coshocton and Holmes Counties, Ohio, by Ludlow and would be used as process gas and boiler fuel in Ludlow's Mt. Vernon, Ohio, plant.

The gas purchase agreement between Edco and Ludlow indicates that Columbia has released certain gas supplies of Edco. Columbia states that these supplies are subject to the ceiling price provisions of sections 103 and 107 of the Natural Gas Policy Act of 1978. It is further indicated that Ludlow has purchased this released gas from Edco. Columbia states that it would receive the gas at existing delivery points in Coshocton and Holmes Counties, Ohio, and redeliver the gas to Columbia Gas of Ohio, Inc. (COH), the distribution company serving Ludlow, near Mt. Veron, Ohio. Further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) 40.11 cents per dt equivalent for storage and transmission facilities, exclusive of company-use and unaccounted-for gas, or (2) 44.93 cents per dt equivalent for storage, transmission and gathering facilities, exclusive of company-use and unaccounted-for gas, as set forth in Columbia's Rate Schedule TS-1. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas, as set forth in Columbia's Rate Schedule TS-1.

Any person of 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. 84-15816 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1676-002]

James E. Griffin; Application

June 8, 1984.

Take notice that on May 29, 1984, James E. Griffin filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

President, Chief Executive Officer and Director—Central Vermont Public Corporation

President, Chief Executive Officer and Director—Connecticut Valley Electric Company, Inc.

Chairman, Chief Executive Officer and Director—Vermont Electric Power Company, Inc.

Chairman—Vermont Yankee Nuclear Power Corporation

Director—Yankee Atomic Electric Company

Director—Connecticut Yankee Atomic Power Company

Director—Maine Yankee Atomic Power Company

President and Director—Central Vermont Public Service Corporation—Bradford Hydro-electric, Inc.

President and Director—Central Vermont Public Service Corporation—East Barnet Hydro-electric, Inc.

Chairman, Chief Executive Officer and Director—Vermont Electric Transmission Company Inc.

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 motions or protest should be filed on or before June 27, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15862 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-370-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

June 8, 1984.

Take notice that on April 27, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84-370-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to sell to Northern States Power Company (Minnesota) (NSP-Minn), effective March 26, 1984, certain volumes of natural gas belonging to Northern that are stored in NSP-Minn's facilities near St. Paul, Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is explained that Northern and NSP-Minn concluded an agreement on December 17, 1975, which, as amended on March 11, 1981, provided that Northern would deliver up to 4,800 Mcf of natural gas per day (plus fuel use volumes) to NSP-Minn's St. Paul TBS #IP delivery point during the summer period (from March 27 to November 26). Under this agreement, it is stated, NSP-Minn would then transport and liquefy

this gas for storage at its Wescott Liquid Natural Gas (LNG) Plant, located near St. Paul, Minnesota, and would ultimately vaporize the LNG during the winter period (from November 27 to March 26), and redeliver it to Northern at the same NSP-Minn delivery point.

Northern explains that it concluded the storge agreement, with NSP-Minn during a time of natural gas shortage on its system, in order to help meet the peak day requirements of its firm and small volume market. Northern reports that, because of a current over-supply situation on its system, it no longer needs NSP-Minn's storage service; therefore, to avoid the continued payment of storage and inventory charges, Northern notified NSP-Minn on March 21, 1983, that it would be terminating their agreement as of March 26, 1984, states Northern.

On February 14, 1984, it is explained, Northern and NSP-Minn amended their gas agreement to provide that Northern would sell to NSP-Minn all the volumes of Northern natural gas that remained in the Westcott LNG Plant as of March 26, 1984. This proved to be 584,645 Mcf, states Northern. For this gas, Northern would charge NSP-Minn $3.5566 per Mcf, the CD–1 Rate Zone 3 commodity rate in effect on February 14, 1984 (as listed in Northern's FERC Gas Tariff, Third Revised Volume No. 1), reports Northern. In accordance with this agreement, it is explained, Northern filed the instant application for a certificate of public convenience and necessity.

Concomitantly, it is explained, Northern has also filed an application in Docket No. CP84–371–000 for permission and approval to abandon its deliveries of gas to NSP-Minn for storage in the Wescott LNG Plant, and NSP-Minn has filed in Docket No. CP84–367–000 for authorization to abandon its transporation, liquefaction, storage, vaporization, and redelivery service for Northern.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 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 Commssion 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 Commssion's Rules of Practice and Procedure, a hearing will be held without further notice before the Commssion 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 Northern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–15803 Filed 6–12–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–371–000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

June 8, 1984.

Take notice that on April 27, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84–371–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon, effective March 26, 1984, its delivery of natural gas to Northern States Power Company (Minnesota) (NSP-Minn) for transportation, liquefaction, and storage by NSP-Minn, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is explained that Northern and NSP-Minn concluded an agreement on December 17, 1975, which, as amended on March 11, 1981, provided that Northern would deliver up to 4,800 Mcf of natural gas per day (plus fuel use volumes) to NSP-Minn's St. Paul TBS #IP Delivery Point during the summer period (from March 27 to November 26). Under this agreement, itis stated, NSP-Minn would then transport and liquefy this gas for storage at its Wescott Liquid Natural Gas (LNG) Plant, located near St. Paul, Minnesota, and would ultimately vaporize the LNG during the winter period (from November 27 to March 26) and redeliver it to Northern at the same NSP-Minn delivery point.

Northern explains that it concluded the storage agreement with NSP-Minn during a time of natural gas shortage on its system, in order to help meet the peak day requirements of its firm and small volume market. Northern reports that, because of a current over-supply situation, it no longer needs NSP-Minn's storage service. Accordingly, Northern notified NSP-Minn on March 21, 1983, that it intended to terminate their agreement, effective March 26, 1984. To reflect this termination, Northern states, it has filed the instant application for permission and approval to abandon its gas deliveries to NSP-Minn for storage.

It is stated that NSP-Minn has concomitantly filed in Docket No. CP84–367–000 for permission and approval to abandon its storage service for Northern and that Northern has filed in Docket No. CP84–370–000 for Commission authorization to sell to NSP-Minn those volumes of natural gas that are currently stored in the Wescott LNG plant for Northern's account.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 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. 84-15864 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-408-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Request Under Blanket Authorization

June 8, 1984.

Take notice that on May 11, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84-408-000 a request, pursuant to § 157.205 of the Regulations under the Natural Gas Act, that Northern proposes to transport natural gas on behalf of Dow Chemical Company (Dow Chemical) under 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 which is on file with the Commission and open to public inspection.

It is stated that Dow Chemical, a low priority end-user, has purchased a supply of gas from Funk Exploration, Inc., an eligible seller.

Northern states that the transportion service, pursuant to the transportation agreement dated February 24, 1984, would be on an interruptible basis. Northern would transport up to 25,000 Mcf of natural gas per day (daily contract quantity) in addition to the transport of overrun volumes in excess of the daily contract quantity not to exceed 50,000 Mcf per day.

It is stated that Dow Chemical would deliver (or cause to be delivered) such volumes to Northern at (1) the existing interconnection between Northern and ANR Pipeline Company in Kiowa County, Kansas (Greensburg), and/or at (2) a point on Northern's system located in Beaver County, Oklahoma (Beaver). It is stated that, commencing with said deliveries, Northern would transport thermally equivalent quantities of gas on a back-haul basis to Dow Chemical (or for the account of Dow Chemical) at the existing interconnection between Northern and Oasis Pipe Line Company (Oasis) in Pecos County, Texas (Northern delivery point).

Northern states that, for the transportation service, Dow Chemical would be charged (a) 13.00 cents per Mcf of gas transported from Greensburg to the Northern delivery point (516 miles backhaul), (b) 11.51 cents Mcf of gas transported from Beaver to the Northern delivery point (13 miles forward-haul and 426 miles back-haul), and (c) 1.25 cents per Mcf of gas transported for funding the Gas Research Institute pursuant to F.E.R.C. Opinion No. 195; and Dow Chemical would also reimburse Northern for all additional costs incurred by Northern for third-party transportation services. It is stated that such rates include, specifically, 2.0 cents per million Btu charged by Dow Pipeline Company and 12.39 cents per million Btu charged by Oasis.

Northern states that its rate for the transportation service is derived from Rate Schedule EUT-1 of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1 (4.65 cents per Mcf per 100 miles of forward-haul plus 1.0 cent per Mcf for general and administrative expenses).

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. 84-15865 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-367-000]

Northern States Power Co. (Minnesota); Application

June 8, 1984.

Take notice that on April 26, 1984, Northern States Power Company (Minnesota) (NSP-Minn), 414 Nicollet Mall, Minneapolis, Minnesota 55401, filed in Docket No. CP84-367-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a certain natural gas storage service that it has been performing 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.

It is explained that Northern and NSP-Minn concluded an agreement on December 17, 1975, which, as amended on March 11, 1981, provided that Northern would deliver up to 4,800 Mcf of natural gas per day (plus fuel use volumes) to NSP-Minn's St. Paul TBS #IP Delivery Point during the summer period (from March 27 to November 26). Under this agreement, it is stated, NSP-Minn would then transport and liquefy this gas for storage at its Wescott Liquid Natural Gas (LNG) Plant, located near St. Paul, Minnesota, and would ultimately vaporize the LNG during the winter period (from March 27 to November 26) and redeliver it to Northern at the same NSP-Minn delivery point.

It is explained that Northern concluded the storage agreement with NSP-Minn during a time of natural gas shortage on the Northern system, in order to help meet the peak day requirements of its firm and small volume market. Northern now reportedly has an over-supply of gas on its system and thus no longer needs NSP-Minn's storage service. Consequently, it informed NSP-Minn on March 21, 1983, that it would terminate their agreement as of March 26, 1984, explains NSP-Minn. In response to Northern's letter of termination, NSP-Minn states, it has filed the instant application for authorization to abandon its transportation, liquefaction, storage, vaporization, and redelivery service for Northern.

Concomitantly, it is explained, Northern has filed in Docket No. CP84-371-000 for permission and approval to abandon its gas deliveries to NSP-Minn for storage at the Wescott LNG plant. Northern has also filed in Docket No. CP84-370-000 for a certificate of public convenience and necessity authorizing it to sell to NSP-Minn the volumes of Northern natural gas that remain in the inventory of the Wescott Plant, it is stated.

Any person desiring to be heard or to make protest with reference to said application should on or before June 29, 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 NSP-Minn to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15866 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-253-017]

Panhandle Eastern Pipe Line Co.; Proposed Change in FERC Gas Tariff

June 8, 1984.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on May 29, 1984 tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

Third Revised Sheet No. 986.1
Fourth Revised Sheet No. 987
Eighth Revised Sheet No. 1005
Fourth Revised Sheet No. 1014
Fourth Revised Sheet No. 1022
Eighth Revised Sheet No. 1029
Eighth Revised Sheet No. 1037
Fourth Revised Sheet No. 1045
Fourth Revised Sheet No. 1046
Ninth Revised Sheet No. 1053
Fifth Revised Sheet No. 1054
Ninth Revised Sheet No. 1061
Fifth Revised Sheet No. 1062
Fourth Revised Sheet No. 1069
Fourth Revised Sheet No. 1070
Ninth Revised Sheet No. 1077
Fifth Revised Sheet No. 1078
Seventh Revised Sheet No. 1081.5
Sixth Revised Sheet No. 1090
Fourth Revised Sheet No. 1091
Fourth Revised Sheet No. 1111
Fourth Revised Sheet No. 1119
Fourth Revised Sheet No. 1127
Fourth Revised Sheet No. 1135
Fourth Revised Sheet No. 1143
Fourth Revised Sheet No. 1151
Fourth Revised Sheet No. 1159
Fourth Revised Sheet No. 1167
Fourth Revised Sheet No. 1175
Fourth Revised Sheet No. 1183

Panhandle proposes that these tariff sheets become effective April 21, 1984.

Panhandle states that such changes are made to amend Rate Schedules TS-2 and TS-3 for the transportation and storage of natural gas on behalf of various Panhandle customers, with Michigan Consolidated Gas Company (Mich Con). Specifically, such changes are made to incorporate Mich Con's current storage charges in Docket No. RP84-13-000 pursuant to the Commission's Order issued November 17, 1983.

A copy of this filing has been served on the various Panhandle customers involved in the service.

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 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 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. 84-15867 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-84-011]

Panhandle Eastern Pipe Line Co.; Proposed Change in FERC Gas Tariff

June 8, 1984.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on May 25, 1984 tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

Fourth Revised Sheet No. 1712
Twelfth Revised Sheet No. 1733
Twelfth Revised Sheet No. 1741
Twelfth Revised Sheet No. 1749
Twelfth Revised Sheet No. 1759
Ninth Revised Sheet No. 1760.5
Third Revised Sheet No. 1812
Third Revised Sheet No. 1813
Twelfth Revised Sheet No. 1834
Twelfth Revised Sheet No. 1842

Panhandle proposes that these tariff sheets become effective April 21, 1984.

Panhandle states that such changes are made to amend Rate Schedules TS-4 and TS-5 for the transportation and storage of natural gas on behalf of various Panhandle customers, with ANR Storage Company (ANR Storage). Specifically, such changes are made to incorporate Michigan Consolidated Gas Company, Interstate Storage Division's (ISD) current transportation charges in Docket No. PR84-13-000 pursuant to the Commission's Order issued November 17, 1983.

A copy of this filing has been served on the various Panhandle customers involved in the service.

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 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 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. 84-15868 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-7004-026]

Pennzoil Co.; Twelfth Amendment to Application for Immediate Clarification or Abandonment Authorization

June 8, 1984.

Take notice that on June 6, 1984, Pennzoil Company (Pennzoil) P.O. Box 2967, Houston, Texas 77001 filed in Docket No. G-7004-026 an application for immediate clarification of Order dated November 24, 1980 in the above-referenced docket or abandonment authorization for as much gas as is required to allow sales of gas to eleven new applicants for residential service in West Virginia in addition to those applicants specified in Pennzoil's

original application filed on October 25, 1982. In filing this Twelfth Amendment to its original application, Pennzoil incorporates herein and renews each of the requests for clarification or abandonment authorization set forth in that application. Service to these applicants and existing customers would be provided from gas supplies that would otherwise be sold to Consolidated Gas Supply Corporation (Consolidated), an interstate pipeline.

Pennzoil states that immediate action is necessary to protect the health, welfare and property of the applicants and customers in West Virginia who depend upon Pennzoil for their gas supply needs. Pennzoil also states that immediate action also is required because, by order dated October 21, 1982, the Public Service Commission of West Virginia directed Pennzoil "to show cause, if any it can, why it should not be found to be in violation of its duty * * * to provide adequate gas service to all applicants * * * and why it should not be required to provide service to domestic customers in West Virginia when requests are received for same.

Consolidated has indicated that it has no objection to the requested authorization.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before, June 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15860 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-463-000]

Public Service Company of Indiana, Inc.; Filing

June 8, 1984.

The filing company submits the following:

Take notice that Public Service Company of Indiana, Inc. on May 24, 1984 tendered for filing pursuant to the Interconnection Agreement between Public Service Company of Indiana, Inc. (Service Company) and Cincinnati Gas & Electric Company (Cincinnati Company) a Ninth Supplemental Agreement, to become effective July 23, 1984.

Said Supplemental Agreement provides for the following:

(1) Amends Rate Schedule A—Energy Service and Rate Schedule B—Interchange Power to incorporate Service Company's Order 84 language.

(2) Schedule Weekly Short Term Power for periods of one or more weeks or "Daily Short Term Power" for periods of one or more days.

(3) Short Term Power Provided by Service Company for not less than 100 MW level for not less than 13 consecutive weeks at a minimum load factor of 75% and a minimum hourly schedule of 50% of the reservation or such other load factor minimum schedule combination that the parties mutually agreed.

(4) Incorporates Service Company Order 84 language for third-party Short Term Power transactions.

Copies of the filing were served upon Cincinnati Gas & Electric Company, the Public Utilities Commission of Ohio and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 26, 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. 84-15870 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI78-2-001, et al.]

The Superior Oil Co. (Successor in Interest to Natresco Inc.); Application of Successor in Interest From Natresco Inc. to the Superior Oil Company

June 8, 1984.

Take notice that on April 23, 1984, The Superior Oil Company (Superior), of Post Office Box 1521, Houston, Texas 77001, filed an application for Certificate of Public Convenience and Necessity to render service previously authorized by the Commission under Certificates of Public Convenience and Necessity heretofore issued to Natresco Inc. (Natresco) and for substitution of Superior for Natresco in any other related proceedings as listed in the attached appendix.

By assignment dated March 20, 1984, but effective January 1, 1984, Natresco Inc. conveyed all of its interest in ten offshore oil and gas leases to Superior. Superior requests herein that the certificates currently held by Natresco Inc. be amended to show The Superior Oil Company as certificate-holder, and that Superior be substituted for Natresco Inc. in any pending proceeding and that the related rate schedules as listed in the attached appendix be redesignated as The Superior Oil Company.

Any person desiring to be heard or to make any portest with reference to said application should on or before June 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

APPENDIX

Natresco Inc. FERC gas rate schedule No.	Certificate docket No.	Buyer	Location of sale
1	C178-2-001	ANR Pipeline Co	High Island Block A-323, Offshore Texas.
2	C178-3-001	ANR Pipeline Co	High Island Block A-520, Offshore Texas.
3	C178-404-001	Transcontinental Gas Pipe Line Corp	High Island Block 111 Field, Offshore Texas.
4	C178-659-001	Columbia Gas Transmission Corp	High Island Block A-377, A-342, and A-343, Offshore Texas.
5	C180-476-001	ANR Pipeline Co	High Island Block A-555, Offshore Texas.
6	C181-71-001	ANR Pipeline Co	High Island Block A-325, Offshore Texas.
7	C181-182-001	United Gas Pipe Line Co	High Island Block A-325, Offshore Texas.
8	C182-236-002	United Gas Pipe Line Co	High Island Blocks A-351/A-368, Offshore Texas.
9	C182-245-002	ANR Pipeline Co	High Island Block A-352/A-368, Offshore Texas.

[FR Doc. 84-15871 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-419-000]

Texas Eastern Transmission Corp.; Application

June 8, 1984.

On May 17, 1984, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP84-419-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public covenience and necessity authorizing a storage and transportation service for its participating resale customers for the period commencing April 1, 1986 and ending March 31, 2006, and thereafter subject to termination upon 25 months written notice, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by agreement with Consolidated Gas Transmission Corporation (Consolidated) it has obtained 19,000,000 dekatherms (dt) equivalent of natural gas storage capacity and that Consolidated would make such storage capacity available to Applicant through March 31, 2006, thereafter subject to termination upon 24 months written notice. Applicant proposes to provide a storage and transportation service in the following quantities for ten of its resale customers.

Customer	Total storage quantity (dt)	Maximum daily withdrawal quantity (dt)
Algonquin Gas Transmission Co	4,670,000	46,700
Brooklyn Union Gas Co	1,050,000	10,500
Central Hudson Gas & Electric Corp	90,000	900
Elizabethtown Gas Co	860,000	8,600
Long Island Lighting Co	1,500,000	15,000
New Jersey Natural Gas Co	970,000	9,700
Philadelphia Electric Co	1,900,000	10,000
Philadelphia Gas Works	2,610,000	26,100
Public Service Electric & Gas Co	6,100,000	61,000
United Cities Gas Co	150,000	1,500
Total	19,000,000	190,000

Applicant states that it has agreed to deliver to Consolidated quantities of natural gas for injection into storage at the request of its customers. It is explained that these volumes would later be withdrawn by Consolidated and delivered to the Applicant for transmission to its storage service customers, with the total maximum daily withdrawal quantity not exceeding 190,000 dt equivalent. All transmission of natural gas would utilize the existing facilities of Applicant and Consolidated, it is submitted.

Applicant states that it has agreed to store and transport the storage quantities for its customers on the basis of a new storage service tariff, Rate Schedule SS-II. The transportation and storage rate under Rate Schedule SS-III is said to be a composite of Consolidated's GSS storage service charge plus a charge for non-firm daily delivery quantity (FDDQ) transportation equal to the rates under Applicant's effective Rate Schedule TS-1, as it may be changed from time to time, or for FDDQ transportation a charge equivalent to Applicant's withdrawal charge under Rate Schedule SS-II. The demand charge, space charge, and injection charge are all charged to it on the basis of Consolidated's GSS rate which is passed on directly to Applicant's participating customers, it is asserted.

Applicant states that under the terms of the proposed Rate Schedule SS-III, Applicant would withdraw quantities of natural gas from a customer's storage inventory not to exceed the maximum daily withdrawal quantity (MDWQ) which is the maximum quantity of SS-III gas that Applicant would be obligated to withdraw from storage for a customer on any day, and deliver this quantity to customer less applicable shrinkage which would be retained by Applicant for fuel and other company use.

Applicant states that Rate Schedule SS-III has been designed to provide a procedure by which the SS-III customers may later "firm up" Applicant's withdrawal delivery obligation. Applicant states that upon receipt of sufficient requests from its SS-III customers for a FDDQ, which in Applicant's opinion makes it economically feasible to expand its system, Applicant would proceed to secure necessary authorizations and expand its system. It is explained that the annual costs attributable to this expansion would be borne by those customers requesting the FDDQ through a firm demand charge. Applicant states that in securing the precedent agreements attached to the application, Applicant advised its customers that initial nominations for FDDQ's should be submitted to Applicant by April 1, 1985. If such nominations warrant a system expansion, Applicant contemplates filing an appropriate certificate application in mid-1985, it is submitted.

Applicant requests that the Commission permit it to flow-through all of Consolidated's GSS Storage charges to its customers under Rate Schedule SS-III.

Applicant maintains that the storage service is needed to provided the participating resale customers with additional winter deliverability to serve essential high-priority customer requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 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 detemining the appropriate action to be taken but will not serve to make 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 petition 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. 84-15872 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-446-000]

Texas Gas Transmission Corp.; Request Under Blanket Authorization

June 8, 1984.

Take notice that on May 25, 1984, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP84-446-000, a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Texas Gas proposes to upgrade an existing delivery point and construct and install a new delivery point located in Clay and Vigo Counties, Indiana, respectively, for Terra Haute Gas Corporation (Terra Haute) under the authorization issued in Docket No. CP82-407-000 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.

Texas Gas indicates that it currently makes natural gas sales to Terre Haute pursuant to a service agreement dated March 1, 1984. Texas Gas states that the proposed upgrading of the existing Centerpoint Station would be installed, owned and operated by Texas Gas. Additionally, Texas Gas indicates that the proposed new delivery point, to be known as the Stuckey Road Station, would be constructed, installed, owned and operated by Texas Gas and would be located on Texas Gas's Slaughters-Montezuma 12-inch and its Wilfred-Terre Haute 12-inch pipelines in Vigo County, Indiana, near the intersection of Indiana State Road 159 and the Stuckey Road.

According to Texas Gas, the Centerpoint Station's peak day capacity would be upgraded from the present 2,000 Mcf to 2,750 Mcf and the Stuckey Road Station would have a peak day capacity of 2,500 Mcf. Texas Gas alleges that the two projects would enhance Terre Haute's ability to meet the increased service requirements occasioned by the urban and industrial growth taking place and anticipated to continue in the southern and eastern portions of its service area. Texas Gas also states that the addition of these two new projects would not result in an increase in Terre Haute's existing contract demand or quantity entitlement. Furthermore, Texas Gas alleges that service to Terre Haute through these two new projects can be accomplished without detriment to Texas Gas's other customers. Finally, Texas Gas states that the increase in the volumes of natural gas delivered by Texas Gas to Terre Haute as a result of the projects proposed herein is so minimal that it would have virtually no effect on Texas Gas's peak day and annual deliveries.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-15873 Filed 6-12-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL 26060-3]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency.

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:

Toxics Programs

- *Title.* Survey of Leaking Underground Motor Fuel Storage Tanks (EPA #1174).

Abstract. EPA is conducting a national survey of underground motor fuel storage tanks to determine the extent of leakage from the tanks and if the problem is of sufficient magnitude to require Federal regulations.

Respondents. Owners of underground fuel storage tanks.

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 7, 1984.

Daniel J. Fiorino,

Acting Director, Regulation and Information Management Division.

[FR Doc. 84-15643 Filed 6-12-84; 8:45 am]

BILLING CODE 6560-50-M

[OAR-FRL-2606-6]

Region 6; Approval of PSD Permits

Notice if hereby given that the Environmental Protection Agency (EPA), Region 6, has issued Prevention of Significant Deterioration (PSD) permits to the following:

1. *PSD–LA–504*—Hill Petroleum Company; petroleum refinery located on State Highway 105 in Krotz Springs, St. Landry Parish, Louisiana; permit authorizes the addition of two refinery fuel gas-fired steam boilers; issued on January 3, 1984.

2. *PSD–LA–514*—Tifton Aluminum Company, Incorporated; aluminum extrusion and anodizing plant located on Interstate Highway 80, approximately 1 mile west of Delhi, Richland Parish, Louisiana; permit authorizes the addition of a horizontal paint line; issued on January 10, 1984.

3. *PSD–TX–615*—Air Products and Chemicals, Incorporated; permit authorizes the construction of a nitric acid plant at the existing chemical plant located at 412 Davison Road, Pasadena, Harris County, Texas; issued on January 18, 1984.

4. *PSD–TX–486*—Lower Colorado River Authority; permit authorizes the construction of a 415 MW lignite steam electric power plant at the existing Fayette Power Project located on County Road 121, approximately seven miles east of LaGrange, Fayette County, Texas; issued on January 24, 1984.

5. *PSD–TX–616*—Shintech, Incorporated; permit authorizes the construction of a polyvinyl chloride resin dryer at the existing plant located at 5618 East Highway 332, approximately two miles north of Freeport, Brazoria County, Texas; issued on January 24, 1984.

6. *PSD–LA–393M–1*—Dow Chemical U.S.A.; chemical complex located in *Plaquemine*, Iberville Parish, Louisiana; LA–393M–1, modifies LA–393 to modify operation of two gas turbines in the Power II plant; issued on February 3, 1984.

7. *PSD–LA–230M–1*—United Gas Pipe Line Company; Clarence Compressor Station located in Clarence, Natchitoches Parish, Louisiana; LA–230M–1 modifies LA–230 by the installation of 3 new 3,500 horsepower reciprocating compressor engines; issued on February 7, 1984.

8. *PSD–OK–556M–1*—Steam Supply Corporation; municipal solid-waste electric generating facility located at 21st and Yukon Streets in Tulsa, Tulsa County, Oklahoma; OK–556M–1 modifies OK–556 by authorizing an increase in the emissions of SO_2 from 76.8 tons/year to 439.3 tons/year, NO_x from 201.5 tons/year to 479.1 tons/year and lead from 1.5 tons/year to 8.2 tons/year; issued on February 10, 1984.

9. *PSD–OK–330M–2*—Panhandle Eastern Pipeline Company; natural gas compressor station located approximately 5 miles southwest of Alva, Woods County, Oklahoma; OK–330M–2 modifies OK–330M–1 to revise the no visible emission limitation to the levels shown by mass emission tests performed August 30 and 31, 1983; issued on February 10, 1984.

10. *PSD–TX–623*—Darenco, Incorporated; permit authorizes the construction of a sour gas treating facility to be located northeast of Highway 77, approximately 6 miles southeast of Atlanta, Cass County, Texas; issued on February 17, 1984.

11. *PSD–TX–612*—Big Three Industries, Incorporated; Bayou Cogeneration Plant located at 11400 Bay Area Boulevard, Pasadena, Harris County, Texas; permit authorizes the construction of four steam-electric cogeneration units at the existing plant; issued on February 23, 1984.

2. *PSD–TX–103M–1*—Phillips Petroleum Company; Sweeny Petroleum refinery located in Old Ocean, Brazoria County, Texas; TX–103M–1 authorizes the incorporation of PSD–TX–40 and PSD–TX–103 into PSD–TX–103M–1. It also authorizes the increase of the particulate emission allowable limit for the SCOT tailgas incinerator from 0.0 lbs/hr to 2.5 lbs/hr; issued on March 5, 1984.

13. *PSD–LA–282aM–1*—Dow Chemical U.S.A.; chemical complex located on the west bank of the Mississippi River, approximately 1 mile north of Plaquemine, in Iberville and West Baton Rouge Parishes, Louisiana; LA–282aM–1 modifies LA–282a to increase the permitted particulate emission rate of the stationary incinerator from 3.0 lb/hr to 10.5 lb/hr and to decrease the permitted particulate emissions rate of the rotary kiln from 5.0 lb/hr to 2.0 lb/hr; issued on March 5, 1984.

14. *PSD–TX–120M–1*—Capitol Aggregates, Incorporated; Portland cement plant located at 11551 Nacogdoches Road, San Antonio, Bexar Counry, Texas; TS–120M–1 modifies TX–120 to reflect the current, as built, configuration of the plant; issued on March 12, 1984.

15. *PSD–TX–619*—Amoco Chemicals Corporation; chemical manufacturing facility located at 3800 FM Road 519 East in Texas City, Galveston County, Texas; permit authorizes the construction of a steam-electric cogeneration plant at the existing facility; issued on March 19, 1984.

16. *PSD–TX–024M–1*—Southwestern Portland Cement Company; Portland cement plant located on IH–20, approximately 13 miles west of Odessa, Ector County, Texas; TX–024M–1 modifies TX–024 to delete all reference to the No. 1 clinker cooler as it was not originally subject to PSD review; issued on March 29, 1984.

17. *PSD–TX–631*—Southwestern Public Service Company; Harrington electric generateing station; permit authorizes the removal of a wet scrubber from Unit 1; issued on March 28, 1984.

These permits have been issued under EPA's Prevention of Significant Air Quality Deterioration Regulations at 40 CFR 52.21, as amended August 7, 1980. The time period established by the Consolidated Permit Regulations at 40 CFR 124.19 for petitioning the Administrator to review any condition of the permit decisions has expired. Such a petition to the Administrator is, under 5 U.S.C. 7004, a prerequisite to the seeking of judicial review of the final agency action. No petitions for review of these permits have been filed with the Administrator.

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

Documents pertaining to these permits are available for public inspection upon request at the following location: Environmental Protection Agency, Region 6, Air and Waste Management Division, 1201 Elm Street, InterFirst Two Building, Dallas, Texas 75270.

This notice will have no effect on the National Ambient Air Quality Standards.

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

Dated: June 1, 1984.

Dick Whittington, P.E.,

Regional Administrator, Region 6.

[FR Doc. 84–15826 Filed 6–12–84; 8:45 am]

BILLING CODE 6560–50–M

[OAR–FRL–2606–5]

Region 6; Rescission of PSD Permits

Notice is hereby given that the Environmental Protection Agency (EPA) Region 6, rescinded Prevention of Significant Deterioration (PSD) permits for the following:

1. *PSD–LA–066*—permit issued on March 30, 1978, for the construction of a steel manufacturing and forming facility on the east bank of the Mississippi River, approximately 1.9 miles southeast

of La Place, St. John the Baptist Parish, Louisiana; rescinded on November 8, 1983.

2. *PAD–TX–391*—Panhandle Eastern Pipeline Company; permit issued on December 10, 1981, for the installation of a 771 hp compressor engine at the existing Blair-Heydrick Station located off Highway 207, approximately 6 miles south of Borger, Carson County, Texas; rescinded on March 14, 1984.

Section 52.21(w) of the PSD regulations amended on August 7, 1980, states that any owner or operator of a stationary source or modification who holds a permit for the source or modification which was issued under 40 CFR 52.21, as in effect on June 19, 1978, may request that the Administrator rescind the permit, or a particular portion of the permit, if the applicant shows that PSD regulations, as amended on August 7, 1980, would not apply to the source or modification. All the sources listed above no longer constitutes a major stationary source since, under the new definition of "potential to emit", their controlled emissions are not large enough to constitute a major stationary source or a major modification. Therefore, EPA determined that a PSD permit is no longer required for these facilities and is giving notice that it has rescinded the permits.

Notices of EPA's proposed action to rescind these PSD permits were published in newspapers in the affected area of each facility. No comments were received regarding the proposed rescissions. Documents relevant to the rescission requests are available for public inspection during normal business hours in the offices of the Air Branch, Air and Waste Management Division, U.S. Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270.

This notice will have no effect on the National Ambient Air Quality Standards.

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

Dated: June 1, 1984.

Dick Whittington, P.E.,

Regional Administrator, Region 6.

[FR Doc 84–15825 Filed 6–12–84; 8:45 am]

BILLING CODE 6560–01–M

[OAR–FRL–2606–4]

Region 6; Extension of the Expiration Date of PSD Permits

Notice is hereby given that the Environmental Protection Agency (EPA), Region 6, has extended the expiration date of the following Prevention of Significant Deterioration (PSD) permits:

1. *PSD–NM–422*—Plateau, Incorporated; Bloomfield Refinery located on the north side of Sullivan Road, approximately 1 mile southeast of Bloomfield, San Juan County, New Mexico; permit issued for the expansion of the capacity to process crude oil from 15,000 barrels per day to 18,000 barrels per day; construction has not commenced due to the economic conditions in the refining industry; extension granted to a new expiration date of June 11, 1985.

2. *PSD–LA–503*—Lake Charles Refining Company; permit issued for the modification of the existing petroleum refinery located on State Highway 3059, approximately 3 miles northeast of Lake Charles, Calcasieu Parish, Louisiana; construction has not commenced due to depressed refinery activity and lack of available capital; extension granted to a new expiration date of July 18, 1984.

3. *PSD–TX–63M–2*—Texas Industries; Portland cement plant located on FM Road 1102, approximately 2.5 miles southwest of Hunter, Comal County, Texas; permit issued for the modification of PSD–TX–63M–1 by reducing the SO_2 limitation to 50 lbs/hr and establishing a NO_x emission limitation of 390 lbs/hr; construction was stopped due to the economic conditions; extension was granted to a new expiration date of December 24, 1984.

4. *PSD–OK–398*—United Gas Pipe Line Company; permit issued for the construction of a natural gas compressor station to be located approximately 2 miles northeast of Roff, Pontotoc County, Oklahoma; construction has not commenced due to the delay in obtaining certification by the Federal Energy Regulatory Commission; extension granted to a new expiration date of August 23, 1985.

5. *PSD–OK–399*—United Gas Pipe Line Company; permit issued for the construction of a natural gas compressor station to be located approximately 6 miles northwest of Custer City, Custer County, Oklahoma; construction has not commenced due to the delay in obtaining certification by the Federal Energy Regulatory Commission; extension granted to a new expiration date of August 23, 1985.

6. *PSD–OK–425*—Union Texas Petroleum Corporation; Chaney Dell natural gas compressor station located approximately 3 miles north of Ringwood, Major County, Oklahoma; construction was discontinued due to delays in their building program; extension granted to a new expiration date of May 25, 1985.

A notice of EPA's proposed action to extend the PSD permits was published in a newspaper in the affected area of each facility. No comments were received regarding the proposed extensions. Documents relevant to the extension requested are available for public inspection during normal business hours at the Air and Waste Management Division, U.S. Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270.

These extensions are final actions reviewable under section 307(b)(1) of the Clean Air Act only in the Fifth Circuit Court of Appeals for sources located in Texas and Louisiana, and in the Tenth Circuit Court of Appeals for sources located in Oklahoma and New Mexico. Any petition for review must be filed on or before August 13, 1984.

This notice will have no effect on the National Ambient Air Quality Standards.

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

Dated: June 1, 1984.

Dick Whittington, P.E.,

Regional Administrator, Region 6.

[FR Doc. 84–15824 Filed 6–12–84; 8:45 am]

BILLING CODE 6560–50–M

[AMS–FRL–2607–2]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Federal Certification Test Results for 1984 Model Year

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 206(e) of the Clean Air Act, as amended August 1977, directs the Administrator of the Environmental Protection Agency to announce in the **Federal Register** and make available to the public, the results of certification tests conducted on new motor vehicles and new motor vehicle engines to determine conformity with Federal standards for the control of air pollution caused by motor vehicles. The Federal Certification Test Results for the 1984 model year are not available. Copies of the test results may be obtained by writing: U.S. Environmental Protection Agency, Office of Mobile Sources, Certification Division, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

FOR FURTHER INFORMATION CONTACT:
Ms. Janice Wilson at ((313) 668–4266).

Dated: June 5, 1984.

Sheldon Meyers,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 84–15820 Filed 6–12–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Sub-Committee Meeting of the FCC Industry Advisory Committee on Technical Standards for DBS Service

June 6, 1984.

There will be a meeting of the Sub-Committee on Receiver Standards, as follows:

S.C. on Receiver Standards
June 14, 1984: 1–4 PM, 1200 19 Street, NW., Conference Room # 330

The chairman, Mr. Paul Heinerscheid, has indicated that Section IV and Section V of the Sub-Committee Final Report will be discussed and finalized. This includes (1) Sub-Committee Recommendations and (2) Recommended Future Action.

Additional information, if required, may be obtained from the chairman at (612) 642–4580, or B. Pattan, FCC/OST at (202) 653–9098.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–15791 Filed 6–12–84; 8:45 am]

BILLING CODE 6712–01–M

[File No. BPH–830131AA et al.; MM Docket No. 84–593 et al.]

New FM Station; Applications for Consolidated Hearing; Frank Keevan & Son, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Frank Keevan & Son, Inc.; Key West, FL.	BPH–830131AA	84–593
B. Joseph Donald Powers; Key West, FL.	BPH–830520AM	84–594
C. WANM, Inc.; Key West, FL.	BPH–830519AF	84–595

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 appliant'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, B
2. Comparative, A, B, C
3. 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., Washington, D.C. 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84–15763 Filed 6–12–84; 8:45 am]

BILLING CODE 6712–01–M

[File Nos. BPH–830411 AC et al.; MM Docket Nos. 84–588 et al.]

New FM Station; Applications for Consolidated Hearing; Paris Broadcasters, Inc. et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Paris Broadcasters, Inc., Paris, TX.	BPH–830411AC	84–588
B. The Gene Sudduth Co., Inc.; Paris, TX.	BPH–830510AF	84–589
C. Earlyne G. Lund; Paris, TX.	BPH–830803AD	84–590
D. Jacklyn Merchant, et al. d/b/a Lamar County Broadcasting; Paris, TX.	BPH–830808AG	84–591
E. Palm/Prairie Broadcasting, Inc.; Paris, TX.	BPH–830808AH	84–592

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, E
2. Comparative A, B, C, D, E
3. Ultimate A, B, C, D, E

3. If there is any non-standarized 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 Contract Representative, Room 242, 1919 M Street, N.W., Washington, D.C. 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84–15764 Filed 6–12–84; 8:45 am]

BILLING CODE 6712–01–M

[File Nos. BPH 830106 AD et al.; MM Docket Nos. 84–585, et al.]

New FM Station; Applications for Consolidated Hearing; Radio Communications, Inc. et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM Docket No.
A. Radio Communications, Inc.; Mason City, IA.	BPH–830106AD	84–585
B. CMM, Inc.; Mason City, IA.	BPH–830316AF	84–586
C. B–Y Communications, Inc.; Mason City, IA.	BPH–830520AL	84–587

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. (See Appendix), B
2. Comparative, A, B, C

3. 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., Washington, 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

1. To determine whether or not B (CMM) has failed to comply with the provisions of § 1.65 of the Commission's Rules with respect to keeping the Commission apprised of changes in its ownership interests and, if so, the effect of such noncompliance on the applicant's basic and/or comparative qualifications.

[FR Doc. 84–15765 Filed 6–12–84; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Combancorp; Application To Engage de Novo in Permissible Nonbanking Activities

The Company listed in this notice has 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.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 3, 1984.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Combancorp*, City of Commerce, California; to engage *de novo* through its subsidiary, Combancorp Mortgage Brokerage Co., City of Commerce, California, in acting as a mortgage broker whose principal business is the originating, packaging, selling and servicing of loans secured by real property for institutional lenders on a fee basis.

Board of Governors of the Federal Reserve System, June 7, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–15794 Filed 6–12–84; 8:45 am]

BILLING CODE 6210–01–M

Manufacturers National Corp; Application To Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(3) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794), to engage *de novo* through a national bank subsidiary in deposit-taking, including the taking of demand deposits, and other activities specified below. The proposed subsidiary will not engage in commercial lending transactions as defined in Regulation Y. The Board has determined by order that such activities are closely related to banking. *U.S. Trust Company* (70 Federal Reserve Bulletin 371 (1984)). Although the Board is publishing notice of this application, under established Board policy the record of the application will not be regarded as complete and the Board will not act on the application unless and until a preliminary charter for the proposed national bank subsidiary has been submitted to the Board.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Federal Reserve Bank or the offices of the Board of Governors not later than July 5, 1984.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Manufacturers National Corporation*, Detroit, Michigan; to engage through a national bank subsidiary Manufacturers Trust Company of Florida, N.A., North Palm Beach, Florida, in the provision of fiduciary, investment advisory, agency, custody and similar services provided by a trust company and, in addition, to engage in the acceptance of time and demand deposits including checking accounts and NOW accounts, and to make consumer loans for personal, family, household or charitable purposes. The majority of the proposed activities will be concentrated in Palm Beach County, Florida, and surrounding areas.

Board of Governors of the Federal Reserve System, June 7, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–15795 Filed 6–12–84; 8:45 am]

BILLING CODE 6210–01–M

Andover Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval

under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding comapny 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 5, 1984.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Andover Bancorp, Inc.*, Andover, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of The Andover Bank, Andover, Ohio.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Charter Bancshares, Inc.*, North Little Rock, Arkansas; to become a bank holding company by acquiring at least 75 percent of the voting shares of First State Bank, Beebe, Arkansas.

2. *United Holdings, Inc.*, Memphis, Tennessee; to become a bank holding company by acquiring at least 67 percent of the voting shares of Bank of Crockett, Bells, Tennessee.

c. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *McLeod Bancshares, Inc.*, Glencoe, Minnesota; to acquire 100 percent of the voting shares of The First Bank of Minnesota, Stewart, Minnesota.

Board of Governors of the Federal Reserve System, June 7, 1984.

James McAfee;

Associate Secretary of the Board.

[FR Doc. 84-15193 Filed 6-12-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84N-0184]

Dioctyl Sodium Sulfosuccinate, Dioctyl Potassium Sulfosuccinate, and Dioctyl Calcium Sulfosuccinate; Availability; Final Report; DSS Scientific Review Panel

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the final report of a scientific review panel on dioctyl sodium sulfosuccinate (DSS) and its related salts (the DSS Scientific Review Panel). FDA convened this panel of expert scientists drawn from other agencies in the Federal government to review the scientific data it had received on the use of DSS and its related salts, dioctyl potassium sulfosuccinate (DKS) and dioctyl calcium sulfosuccinate (DCS). The DSS Scientific Review Panel has completed its work and has formally submitted its final report to FDA. This notice makes the final report available to the public on request.

ADDRESS: Copies of the report are available from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Paul Lepore, Office of Regulatory Affairs (HFC-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2390.

SUPPLEMENTARY INFORMATION: DSS is used for a variety of technical effects in foods. DSS (under a different name, docusate sodium) is used as a stool softener in over-the-counter and prescription drug products and is also used in a variety of drug products in small amounts as an inactive ingredient to ensure dissolution. Questions arose within FDA concerning the scientific data that the agency had received on the use of DSS and its related salts, DKS and DCS. To resolve these questions, FDA convened a panel of expert scientists from other agencies within the Federal government. The decision to establish this scientific peer review panel was in line with recommendations of the Committee on the Institutional Means for Assessment of Risks to Public Health of the National Academy of Sciences ("Risk Assessment in the Federal Government; Managing the Process, "National Academy Press, Washington, DC, 1983).

The DSS Scientific Review Panel has completed its work and has formally submitted its final report to FDA. The report reviews the evidence on the use of DSS and its related salts and makes recommendations about actions that should be taken regarding these substances. FDA is making the report available to the public on request.

Copies of the report of the DSS Scientific Review Panel are available from the Dockets Management Branch (address above). Requests for copies are to be identified with the docket number found in brackets in the heading of this document.

Dated: June 4, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84-15757 Filed 6-8-84; 10:14 am]

BILLING CODE 4160-01-M

[Docket No. 84F-0169]

Gulf Oil Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Gulf Oil Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ethylene-methyl acrylate copolymer resins as a food-contact surface in aseptic packaging systems employing hydrogen peroxide as a sterilizing agent.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Comestic Act section 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B3803) has been filed by Gulf Oil Corp., P.O. Box 1166, Pittsburgh, PA 15230, proposing that § 178.1005 *Hydrogen peroxide solution* (21 CFR 178.1005) be amended to provide for the safe use of ethylene-methly acrylate copolymer resins as a food-contact surface in aseptic packaging systems employing hydrogen peroxide as a sterilizing agent.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the

evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 1, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84-15759 Filed 6-12-84; 8:45 am]

BILLING CODE 4160-01-M

Social Security Administration

Statement of Organization, Functions and Delegations of Authority

Parts S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHS) covers the Social Security Administration (SSA). Sections SE.10 and SE.20 of the SSA statement, as published in the **Federal Register** on May 7, 1984, described the mission, organization and functions of SSA's Office of Public Inquires (OPI). The standard administrative code for each division was shown in parentheses after the division titles in both Sections SE.10 and SE.20. They were not shown correctly. The correct standard administrative codes are as follows:

1. Division of Correspondence Appraisal and Policy (SEP5).
2. Inquires Processing Division I (SEP6) and II (SEP7).

Dated: May 3, 1984.

Nelson J. Sabatini,

Acting Deputy Commissioner for Management and Assessment.

[FR Doc. 84-15807 Filed 6-12-84; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-84-1395]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-6374. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form nummber, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the porposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the addres listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Rental Schedule and Information on Rental Projects
Office: Housing
Form Number: HUD-92458
Frequency of Submission: Annually
Affected Public: Businesses or Other For-Profit and Non-Profit Institutions
Estimated Burden Hours: 5,333
Status: Extension
Contact: William J. Schick, HUD, (202) 755-6870; Robert Neal, OMB, (202) 395-7316

Proposal: Rent Increase Worksheet
Office: Housing
Form Number: HUD-92547
Frequency of Submission: Annually
Affected Public: Businesses or Other For-Profit and Federal Agencies or Employees
Estimated Burden Hours: 50,000
Status: Revision
Contact: William J. Schick, HUD, (202) 755-6870 Robert Neal, OMB, (202) 395-7316

Proposal: Monthly Report of Cooperative Housing Corporations
Office: Housing
Form Number: HUD-93211
Frequency of Submission: On Occasion and Monthly
Affected Public: Businesses or Other For-Profit
Estimated Burden Hours: 120
Status: Extension
Contact: Judy Lemeshewsky, HUD, (202) 755-6870; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 8, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84-15852 Filed 6-12-84; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-84-1396]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-6374. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as

required by the Paperwork Reduction Act (44 U.S.C Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Annual Contributions for Operating Subsidies—Performance Funding System; Determination of Operating Subsidy
Office: Public and Indian Housing
Form No.: None
Frequency of submission: Annually
Affected public: State or Local Governments
Estimated burden hours: 35,200
Status: New
Contact: John Comerford, HUD, (202) 426–1872. Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 4, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84–15855 Filed 6–12–84; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–84–1397]

Submission of Proposed Information Collections to OMBF

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6374. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Office for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Action Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Title I Loan Reporting Manifest
Office: Housing
Form No.: HUD-56004
Frequency of submission: Monthly
Affected public: Business or Other For-Profit and Small businesses or Organizations
Estimated burden hours: 30,000
Status: Extension
Contact: James L. Anderson, HUD, (202) 755–6880. Robert Neal, OMB, (202) 395–7316

Proposal: Survey of State Auditors, Controllers, and Treasurers for Proposed Book-Entry System for Projects Notes
Office: Public and Indian Housing
Form No.: None
Frequency of submission: On Occasion
Affected public: State or Local Governments
Estimated burden hours: 200
Status: New
Contact: Theodore R. Daniels, HUD, (202) 755–6444. Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 15, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84–15853 Filed 6–12–84; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–84–1398]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirement described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6374. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the

information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Forms for Lending Institutions to Participate in HUD's Mortgage Insurance Program Under Title II of the National Housing Act
Office: Housing
Form No.: HUD–92001, 92001B, 92001C, 92001D, and 92001K
Frequency of submission: On Occasion
Affected public: Businesses or Other For-Profit, Non-Profit Institutions, and Small Businesses or Organizations
Estimated burden hours: 1,205
Status: Revision
Contact: Christopher Peterson, HUD, (202) 426–3976. Robert Neal, OMB, (202) 395–7316

Proposal: Public Housing Child Care Demonstration Program
Office: Public and Indian Housing
Form No.: None
Frequency of submission: On Occasion
Affected public: State or Local Governments
Estimated burden hours: 5,600
Status: New
Contact: Nancy S. Chisholm, HUD, (202) 755–6713. Robert Neal, OMB, (202) 395–7316

Proposal: Description of Materials
Office: Housing
Form No.: HUD–92005
Frequency of submission: On Occasion
Affected public; Businesses or Other For-Profit
Estimated burden hours: 50,000
Status: Extension
Contact: Albert Stephens, HUD, (202) 755–6590. Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 16, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84–15854 Filed 6–12–84; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. D–84–763]

Region IX, San Francisco; Office of the Regional Administrator—Regional Housing Commissioner; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation and order of succession.

SUMMARY: The Acting Regional Administrator—Regional Housing Commissioner, Region IX, is updating the designation of officials who may serve as Acting Regional Administrator—Regional Housing Commissioner for the San Francisco Regional Office during the absence, disability, or vacancy in the position of Acting Regional Administrator—Regional Housing Commissioner.

EFFECTIVE DATE: April 16, 1984.

FOR FURTHER INFORMATION CONTACT: Beverly G. Agee, Regional Counsel, Department of Housing and Urban Development, Region IX, 450 Golden Gate Avenue, Box 36003, San Francisco, CA 94102, (415) 556–6110. This is not a toll-free number.

Designation of Acting Regional Administrator, Region IX: The officers appointed to the following listed positions in Region IX (San Francisco) are hereby designated to serve as Acting Regional Administrator—Regional Housing Commissioner, Region IX, San Francisco, during the absence, disability or vacancy in the position of Acting Regional Administrator—Regional Housing Commissioner, Region IX, with all the powers, functions and duties redelegated or assigned to said position: *Provided*, That no officer is authorized to serve as Acting Regional Administrator—Regional Housing Commissioner unless all preceding listed officials in this designation are unable to act by reason of absence, disability, or vacancy in said position:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Director, Office of Community Planning and Development.
4. Director, Office of Housing.
5. Director, Office of Fair Housing and Equal Opportunity.
6. Director, Office of Public Housing.
7. Director, Office of Administration.

This designation supersedes and cancels the designation published on September 27, 1983 (48 FR 44114), effective on March 1, 1983, and any supplemental designations, published or unpublished, that may be in effect prior to the effective date of this document.

For Regional Adminstrator—Regional Housing Commissioner.

Authority: Delegation of Authority, 27 FR 4319 (1962); Section 9(c), Department of Housing and Urban Development Act, 42 U.S.C. 3531; and Interim Order II, 31 FR 815 (1966).

Dated: April 16, 1984.

Harry W. Staller,

Acting Regional Administrator—Regional Housing Commissioner, Region IX, San Francisco.

[FR Doc. 84–15851 Filed 6–12–84; 8:45 am]

BILLING CODE 4210–01–M

Office of Environment and Energy

[Docket No. NI–121]

Combined Notice; Intent To Issue a Finding of No Significant Impact and Compliance With Executive Order 11988

The Department of Housing and Urban Development gives notice concerning the proposed Teal Run Subdivision, located within the Extraterritorial jurisdiction of the City of Houston, Fort Bend County, Texas that: (1) It intends to issue a Finding of No Significant Impact (FONSI) based on an Environmental Assessment (EA) for the project and; (2) provides an explanation of why the action is proposed to be partially located in a floodplain as required by Executive Order 11988 on Floodplain Management. Comments are solicited before the HUD Fort Worth Regional Administrator makes a final determination whether to proceed without preparing an Environmental Impact Statement (EIS).

Description

The Homecraft Assets Corporation of Houston, Texas has filed an application with the Houston Office of the Department of Housing and Urban Development to accept the properties within the proposed subdivision for mortgage insurance under section 203(b) of Title II of the National Housing Act of 1943, as amended. The proposed subdivision is located north of State Highway No. 6 and is approximately 1.5 miles northwest of the intersection of Farm Market Road 521 and State Highway 6. The subdivision will consist of 990 acres and will provide

approximately 3,750 lots for single family development. When fully developed over a 10-year period the subdivision will provide housing for approximately 12,000 persons.

Purpose of FONSI Notice

Pursuant to HUD environmental regulations at 24 CFR Part 50, an EA has been prepared by HUD's Houston Office to determine whether or not an EIS is required. It is the finding of the EA that there would be no significant impact on the human environment and that the project is in compliance with the National Environmental Policy Act and related environmental laws and authorities cited at 24 CFR 50.4. Therefore, in accordance with the applicable regulations a proposed FONSI has been prepared, and a Notice to that effect is hereby published. Pursuant to 40 CFR 1501.4(e)(2) of the Council on Environmental Quality regulations, there will be a thirty (30) day comment period before HUD makes its final determination on the FONSI. Interested individuals, governmental agencies, and private organizations are invited to comment on the FONSI by the date and to the address set forth below.

Purpose of Floodplain Notice

As required by Executive Order 11988, Floodplain Management, this Notice shall service as the second (final) notice, Explanation to the Public, of the Department's decision to approve the Teal Run Subdivision. On April 4, 1984, the Department published the first Notice, Early Public Review, of its intent to consider development in a floodplain. Teal Run Subdivision will be developed in accordance with the Texas Water Commission approvals issued to the Fort Bend County Drainage District for improvements to the Long Point Creek Watershed. Channelization of Long Point Creek through Teal Run Subdivision will remove all developable properties from the 100-year floodplain. It has been determined that this development will not create any adverse effect on the floodplain and is in accordance with the plans of the Fort Bend County Drainage District. Accordingly, subject to engineering certification and mapping designation, all properties will be eligible for mortgage insurance.

Additional Information and Comments

The EA which serves as the basis for the FONSI and supporting documentation are available for inspection until the close of the comment period at the HUD Houston Office and the Forth Worth Regional Office during regular business hours. Contact concerning inspections should be made with Mr. James M. Wilson, Manager, HUD Houston Office, Two Greenway Plaza East, Suite 200, Houston, Texas, 77046–0294, telephone: Commercial (713) 954–8821 or FTS 8–526–1821 or I. J. Ramsbottom, Regional Environmental Officer, HUD Fort Worth Regional Office, 221 W. Lancaster Street, Fort Worth, Texas 76113–2905, telephone: Commercial (817) 870–5482 or FTS 8–728–5482 (these are not toll free commercial numbers).

Written comments on the FONSI should be submitted to the Fort Worth Acting Regional Administrator, I.L. Sanchez-Davis, 221 W. Lancaster Street, Post Office Box 2915, Fort Worth, Texas 76113–2905 (Attention: Regional Environmental Officer) within thirty (30) days of the publication of this Notice.

Dated: June 6, 1984.

Francis G. Haas,

Deputy Director, Office of Environment and Energy.

[FR Doc. 84–15856 Filed 6–12–84; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Wind River Irrigation Project; Wyoming Annual Operation and Maintenance Charges and Related Information

AGENCY: Bureau of Indian Affairs.

ACTION: Notice.

SUMMARY: This notice sets forth changes to the operation and maintenance charges and related information applicable to presently assessable lands located within the diminished portion of the Wind River Irrigation Project, Wyoming, south of the Big Wind River. The annual assessment rate for operation and maintenance is being changed from $6.40 to $9.33 per acre for the assessable area under constructed works south of the Big Wind River to properly reflect the actual costs for labor, materials, equipment and services. This notice does not change the per acre assessment rate of $13.30 and related information for presently assessable lands located within the ceded Wind River Irrigation Project north of the Big Wind River (LeClair Irrigation District) established by notice published in the **Federal Register** April 28, 1983 (48 FR 19233).

EFFECTIVE DATE: April 17, 1984.

FOR FURTHER INFORMATION CONTACT: William Collier, Superintendent, Wind River Indian Agency, Fort Washakie, Wyoming 82514, telephone number (307) 255–8351.

SUPPLEMENTARY INFORMATION: This notice is issued pursuant to 25 CFR 171.1 under authority delegated to the Assistant Secretary for Indian Affairs and the Deputy Assistant Secretary—Indian Affairs by the Secretary of the Interior in 209 DM 8. This authority is vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 2 and 385. The current operation and maintenance charge was established by notice published in the **Federal Register** April 13, 1982 (47 FR 15915). A Public Notice declaring the intent to raise the operation and maintenance assessment rate to not more than $9.95 per acre was published in three local newspapers and placed in several of the post offices and other public buildings throughout the reservation. The Project Engineer presented the need to raise the irrigation operation and maintenance rate at a meeting with the Crowheart (Upper Wind Unit) waterusers on February 21, 1984; the Joint Business Council of the Shoshone and Arapahoe Tribes on February 22, 1984; and the waterusers of the Johnstown, Little Wind and Lefthand Units of the project on February 23, 1984. The rate discussed at these meetings was $9.75 per acre, less than the maximum amount stated in the Public Notice, due to adjustments in estimated revenue to the project in 1984. Interested persons were given 30 days, from the posting date of the Public Notice to submit written comments regarding the proposed operation and maintenance rate. This 30 day period ended March 8, 1984. Twenty written responses were received by the Superintendent of the Wind River Agency. These responses itemized approximately 105 comments which were grouped into 16 broad categories. The two categories which were most frequently mentioned were criticism of staffing size and personnel costs, 45% of the comments; and the effect of an O&M increase in idling additional land, ways to keep land in production and the land's inability to suppport the increased O&M rate, 25% of the comments. A review was made and the Secretary of the Interior set the 1984 O&M rate on April 17, 1984, at $9.33 per assessable acre. After receipt of this directive from the Secretary of the Interior, Public Notices setting the rate at $9.33 were sent to three local newspapers and posted in several public buildings throughout the Wind River Reservation.

In accordance with the above, the annual operation and maintenance charges for presently assessable lands within the diminished portion of the

Wind River Irrigation Project, Wyoming, south of the Big Wind River, for calendar year 1984 and subsequent years until further notice, are hereby fixed at $9.33 per acre. The annual operation and maintenance assessment for calendar year 1984 shall be due and payable on May 1, 1984. Thereafter, until further notice, the annual operation and maintenance assessment shall be due on April 1 of each year and payable on or before that date. To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees which are not paid on or before July 1 of each year, following the due date, there shall be added a penalty of one-half of 1 percent per month or fraction thereof from the due date, so long as the delinquency continues. No water shall be delivered until such charges have been paid; except that Indian water users who are financially unable to pay the assessment on the due date may be furnished water, provided the Superintendent of the reservation certifies to the Project Engineer of other official in charge of the project that such Indian is not financially able to pay the assessment or has made satisfactory arrangement to pay the assessment from proceeds of crops or from other sources. Penalty interest charges shall not be assessed against lands owned by an Indian water user, nor against Indian lands under lease to an Indian lessee.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 84-15829 Filed 6-12-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

National Petroleum Reserve in Alaska; Oil and Gas Lease Sale No. 841

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of sale

SUMMARY: The purpose of this notice is to announce that Oil and Gas Competitive Lease Sale No. 841 within the National Petroleum Reserve in Alaska will be held on July 18, 1984. This notice of sale is being published in the **Federal Register** at least 30 days prior to the date of the sale pursuant to 43 CFR 3131.4-1.

FOR FURTHER INFORMATION CONTACT: Kay Kletka, Anchorage, Alaska, (907) 271-3791.

SUPPLEMENTARY INFORMATION: Notice is hereby given that at 10 a.m. July 18, 1984, lands within the National Petroleum Reserve in Alaska as described below and in the Detailed Statement of Sale will be offered for competitive oil and gas lease sale by sealed bid to the qualified bidder submitting the highest bonus bid in accordance with the provisions of the Department of the Interior Appropriations Act, Fiscal Year 1981 (42 U.S.C. 6504, et seq.) and the regulations issued thereunder (43 CFR Part 3130). All bids received will be deemed submitted for an entire numbered tract.

There will be a minimum bid of $25 per acre, but no bid will be accepted for less than fair market value of the lands offered. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract. The United States also reserves the right to reject any and all bids.

The sealed bids will be opened, beginning at 10 a.m., Alaska Daylight Time, July 18, 1984, in the Mid Deck of the Hotel Captain Cook, located at 5th and K Streets, Anchorage, Alaska 99501.

A lease issued as a result of this offering is for a primary term of 10 years and requires payment of $3 per acre or fraction thereof as annual rental or royalty of 16⅔ percent (⅙) on production saved, removed or sold.

Lands Offered

The 64 tracts offered, containing approximately 1,600,248 acres, are described as follows:

Tract No.	Township/range	Approximate acreage
841-016	T. 12 N., R. 33 W., all	22,704
841-018	T. 12 N., R. 28 W., Secs. 4 to 9, inclusive; Secs. 16 to 21, inclusive; Secs. 28 to 33, inclusive. T. 12 N., R. 29 W., all.	33,888
841-020	T. 11 N., R. 34 W., all	22,800
841-022	T. 11 N., R. 30 W., all	22,800
841-023	T. 11 N., R. 28 W., Secs. 4 to 9, inclusive; Secs. 16, 17, and 18. T. 11 N., R. 29 W., all.	26,428
841-024	T. 10 N., R. 37 W., Secs. 1 to 18, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge; Secs. 22 to 27, inclusive; Secs. 34 to 36, inclusive. T. 10 N., R. 38 W., Secs. 1 to 3, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge; Secs. 10 to 15, inclusive.	24,597
841-025	T. 10 N., R. 36 W., all	22,896
841-026	T. 10 N., R. 35 W., all	22,896
841-027	T. 10 N., R. 34 W., all	22,896
841-028	T. 10 N., R. 33 W., all	22,896
841-029	T. 10 N., R. 32 W., all	22,896
841-030	T. 10 N., R. 31 W., all	22,896
841-031	T. 10 N., R. 30 W., all	22,896
841-032	T. 10 N., R. 29 W., all	22,896
841-033	T. 9 N., R. 35 W., Secs. 1 to 18, inclusive; Secs. 22 to 27, inclusive; Secs. 34, 35, and 36. xIT. 9 N., R. 36 W., Secs. 1 to 18, inclusive..	28,728
841-034	T. 9 N., R. 34 W., all	22,992
841-035	T. 9 N., R. 33 W., all	22,992
841-036	T. 9 N., R. 32 W., all	22,992
841-037	T. 9 N., R. 31 W., all	22,992
841-038	T. 9 N., R. 30 W., all	22,992
841-040	T. 7 N., R. 39 W., Secs. 19 to 30, inclusive, excluding that portion within 2 miles from the bank of the Utukok River; Secs. 32 to 36, inclusive, excluding that portion within 2 miles from the bank of the Utukok River.	8,214
841-042	T. 5 N., R. 40 W., Secs. 1, 2, and 3; Secs. 10 to 15, inclusive; Secs. 22 to 27, inclusive; Secs. 34, 35, and 36. T. 6 N., R. 40 W., Sec. 10, excluding that portion within 2 miles from the bank of the Utukok River; Secs. 13, 14, and 15, excluding that portion within 2 miles from the bank of the Utukok River; Secs. 22 to 27, inclusive, excluding that portion within 2 miles from the bank of the Utukok River; Secs. 34, 35, and 36.	30,044
841-043	T. 5 N., R. 39 W., all T. 6 N., R. 39 W., Sec. 19, excluding that portion within 2 miles from the bank of the Utukok River; Secs. 25 to 36, inclusive, excluding that portion within 2 miles from the bank of the Utukok River.	30,186
841-044	T. 5 N., R. 38 W., Secs. 2 to 36, inclusive, excluding that portion within 2 miles from the bank of the Utukok River. T. 6 N., R. 38 W., Secs. 30 to 34, inclusive, excluding that portion within 2 miles from the bank of the Utukok River.	21,794
841-051	T. 1 S., R. 26 W., all T. 1 S., R. 27 W., Secs. 1, 2, and 3; Secs. 10 to 15, inclusive; Secs. 22 to 27, inclusive; Secs. 34, 35, and 36.	34,242
841-0052	T. 1 S., R. 25 W., all	22,722
841-057	T. 2 S., R. 24 W., all	22,812
841-058	T. 2 S., R. 23 W., all	22,812
841-065	T. 3 S., R. 25 W., all	22,904
841-066	T. 3 S., R. 24 W., all	22,904
841-067	T. 3 S., R. 23 W., all	22,904
841-068	T. 3 S., R. 21 W., all	22,904
841-069	T. 3 S., R. 20 W., all	22,904
841-070	T. 3 S., R. 19 W., all	22,904
841-077	T. 4 S., R. 25 W., all	22,995
841-078	T. 4 S., R. 24 W., all	22,995
841-079	T. 4 S., R. 23 W., all	22,995
841-080	T. 4 S., R. 22 W., all	22,995
841-081	T. 4 S., R. 21 W., all	22,995
841-082	T. 4 S., R. 20 W., all	22,995
841-083	T. 4 S., R. 19 W., all	22,995
841-085	T. 5 S., R. 24 W., Secs. 1 to 26, inclusive, excluding that portion within 2 miles from the bank of the Colville River. T. 5 ., R. 25 W., Secs. 1 to 5, inclusive; Secs. 8 to 17 inclusive, excluding that portion within 2 miles from the bank of the Colville River.	29,811
841-086	T. 5 S., R. 23 W., all T. 6 S., R. 23 W., Secs. 1 to 6, inclusive, excluding that portion within 2 miles from the bank of the Colville River; Secs. 8 to 14, inclusive, excluding that portion within 2 miles from the bank of the Colville River.	26,450
841-087	T. 5 S., R. 22 W., all T. 6 S., R. 22 W., Secs. 1 to 18, inclusive, excluding that portion within 2 miles from the bank of the Colville River; Secs. 22, 23, and 24, excluding that portion within 2 miles from the bank of the Colville River.	33,880
841-088	T. 5 S., R. 21 W., all T. 6 S., R. 21 W., Secs. 1 to 24, inclusive, excluding that portion within 2 miles from the bank of the Colville River.	34,281
841-089	T. 5 S., R. 20 W., all T. 6 S., R. 20 W., Secs. 1 to 24 inclusive, excluding that portion within 2 miles from the bank of the Colville River.	36,497

Tract No.	Township/range	Approximate acreage
841-090	T. 5 S., R. 19 W., all	26,381
	T. 6 S., R. 19 W., Secs. 1 to 9, inclusive, excluding that portion within 2 miles from the bank of the Colville River; Secs. 17 and 18, excluding that portion within 2 miles from the bank of the Colville River.	
841-091	T. 4 S., R. 18 W., Secs. 19 to 36 inclusive.	32,317
	T. 5 S., R. 18 W., Secs. 1 to 34, inclusive, excluding that portion within 2 miles from the bank of the Colville River.	
841-092	T. 4 S., R. 17 W., Secs. 19 to 36, inclusive.	26,639
	T. 5 S., R. 17 W., Secs. 1 to 30, inclusive, excluding that portion within 2 miles from the bank of the Colville River.	
841-093	T. 4 S., R. 16 W., Secs. 19 to 36, inclusive.	16,051
	T. 5 S., R. 16 W., Secs. 3 to 10, inclusive, excluding that portion within 2 miles from the bank of the Colville River; Secs. 17 and 18, excluding that portion within 2 miles from the bank of the Colville River.	
841-100	T. 6 S., R. 26 W., Secs. 1, 2, and 3, excluding that portion within 2 miles from the bank of the Colville River; Secs. 7 to 36, inclusive, excluding that portion within 2 miles from the bank of the Colville River.	29,701
	T. 7 S., R. 26 W., Secs. 1 to 24, inclusive.	
841-101	T. 6 S., R. 23 W., Secs. 31, 32, and 33, excluding that portion within 2 miles from the bank of the Colville River.	32,850
	T. 6 S., R. 24 W., Secs. 15 to 22, inclusive, excluding that portion within 2 miles from the bank of the Colville River; Secs. 25 to 36, inclusive, excluding that portion within 2 miles from the bank of the Colville River.	
	T. 6 S., R. 25 W., Secs. 6 to 9, inclusive, excluding that portion within 2 miles from the bank of the Colville River; Secs. 13 to 36, inclusive, excluding that portion within 2 miles from the bank of the Colville River.	
	T. 7 S., R. 25 W., Secs. 4 to 9, inclusive; Secs. 16, 17, and 18.	
841-102	T. 6 S., R. 18 W., Secs. 19 and 20, excluding that portion within 2 miles from the bank of the Colville River. Secs. 29 to 32, inclusive, excluding that portion within 2 miles from the bank of the Colville River.	3,941
	T. 6 S., R. 19 W., Sec. 25, excluding that portion within 2 miles from the bank of the Colville River; Secs. 34, 35, and 36, excluding that portion within 2 miles from the bank of the Colville River.	
841-113	T. 8 S., R. 31 W., all	22,995
841-114	T. 8 S., R. 30 W., all	22,995
841-115	T. 8 S., R. 29 W., all	22,995
841-116	T. 9 S., R. 29 W., Secs. 4 to 9 inclusive; Secs. 16 to 21, inclusive; Secs. 28 to 33, inclusive.	33,946
	T. 9 S., R. 30 W., all.	
841-119	T. 11 S., R. 19 W., Secs. 1, 2, and 3; Secs. 10 to 15, inclusive, Secs. 22 to 27, inclusive, Secs. 34, 35, and 36.	12,824
	T. 12 S., R. 19 W., Secs. 1, 2, and 3; Secs. 10 to 15, inclusive; Secs. 22 to 27, inclusive.	
Kateel River Meridian, Alaska (Unsurveyed)		
	T. 34 N., R. 11 E., Secs. 10 and 11, Secs. 14 and 15; Sec. 22 N½, Sec. 23, N½	

Tract No.	Township/range	Approximate acreage
Umiat Meridian, Alaska (Unsurveyed)		
841-122	T. 1 N., R. 16 W., Secs. 19 to 36, inclusive.	34,231
	T. 1 S., R. 16 W., all.	
841-123	T. 1 S., R. 15 W., all	34,117
	T. 2 S., R. 15 W., Secs. 1 to 18, inclusive.	
841-124	T. 1 S., R. 14 W., all	34,117
	T. 2 S., R. 14 W., Secs. 1 to 18, inclusive.	
841-125	T. 1 S., R. 13 W., all	34,117
	T. 2 S., R. 13 W., Secs. 1 to 18, inclusive.	
841-126	T. 2 S., R. 17 W., all	22,812
841-127	T. 2 S., R. 16 W., all	22,812

Containing an aggregate of approximately 1,600,248 acres.

When and Where To Submit Bids

Sealed bids may be delivered to the Bureau of Land Management, Alaska State Office Public Room, 1st Floor of the Federal Building, 7901 C Street, Anchorage, Alaska, or submitted to: Bureau of Land Management, Alaska State Office, 701 C Street, Box 70, Anchorage, Alaska 99513 by 3:45 p.m. July 17, 1984. Bids will also be accepted at the place of sale between 8 and 9:00 a.m. July 18, 1984. Bids received after the dates, times and places specified will not be considered.

Who May Hold Leases

In accordance with 43 CFR 3132.1, leases issued pursuant to this subpart may be held only by:

(a) Citizens and nationals of the United States;

(b) Aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. 1101(a)(20);

(c) Private, public or municipal corporations organized under the laws of the United States or of any State or of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa or any of its territories; or

(d) Associations of such citizens, nationals, resident aliens or private, public or municipal corporations.

Submittal of a lease bid constitutes certification of compliance with the regulations under 43 CFR 3132.1. Anyone seeking to acquire or anyone holding a Federal lease or interest therein may be required to submit additional information to show compliance with the cited regulations (43 CFR 3132.4).

Bidding Requirements

A separate sealed bid must be submitted for each tract and be for all the lands in that tract. See Exhibit C in the Detailed Statement for the suggested bid format. Each bid must be accompanied by the following:

(a) Bid deposit of one-fifth the amount of bid in U.S. currency, bank draft, certified or cashier's check, payable to the order of Bureau of Land Management. This deposit will be forfeited if a bidder, after being awarded a lease, fails to execute the lease or otherwise comply with the applicable regulations (43 CFR Part 3132).

(b) A signed certificate to the effect that the bid was arrived at independently and was tendered without collusion with any other bidders. An Independent Price Determination Certificate is available for this certification. See Exhibit D in the Detailed Statement.

(c) Completed Forms 1140–7 (Equal Opportunity Affirmative Action Program Representation) and 1140–8 (Equal Opportunity Compliance Report Certification). See Exhibits E and F in the Detailed Statement. These forms need be furnished only once per sale.

Bidders are bound by the provisions of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders.

The bid envelop must be plainly marked that it is *NOT TO BE OPENED BEFORE THE DATE AND HOUR OF THE BID OPENING, SHOW THE TRACT NUMBER,* and *NAME OF THE COMPANY.* No bids received after 9 a.m. July 18, 1984, will be considered. Bids may not be modified or withdrawn unless modifications or withdrawals are received *prior to* the dates, times, and places specified. Deposits shall be refunded to unsuccessful bidders

Payment and Additional Requirements

If a bid is accepted, two copies of the lease form will be sent to the successful bidder, who will have 15 days from their receipt to sign and return both copies, together with the first year's rental and the balance of the bonus bid. In accordance with 43 CFR 3134.1, the successful bidder is responsible for filing either a $100,000 corporate surety bond for a single lease or $300,000 NPR–A wide bond prior to lease issuance. The bonds required herein are in addition to any other bonds the successful bidder may have filed or be required to file under 43 CFR Part 3104.

Antitrust Review Information Required by the Department of Justice

Pursuant to 43 CFR 3130.1, successful bidders for oil and gas leases to be issued by the Department of the Interior within the National Petroleum Reserve in Alaska (NPR–A) may be required to submit certain information to the Department of Justice before a lease can be awarded to a successful bidder. The

details of the requirements can be found in the Detailed Statement of Sale.

Special Stipulations

The following special stipulations will be attached to and made a part of the leases issued as a result of this offering:

1. *Habitat Preservation* (to be included in all Fourth Sale leases): The Lessee is given notice that the lands within this lease may include special areas. Such areas may contain special values or may be needed for special purposes. Surface use or occupancy within such special areas will be strictly controlled or, if absolutely necessary, excluded. The Lessee will be required to submit plans of operations to the Authorized Officer (AO) who may modify the plans to protect special values and uses. Use or occupancy will be modified or restricted when the AO demonstrates that such is necessary for the preservation of those values or uses.

2. *Cultural Resources* (to be included in all Fourth Sale leases): Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the Lessee, unless notified to the contrary, shall contact the AO to determine if a site-specific cultural resource inventory is required. If an inventory is required, the Lessee shall:

a. Engage the services of a qualified cultural resource specialist acceptable to the AO to conduct a cultural resource inventory of the area of proposed surface disturbance. The Lessee may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An inventory report is to be submitted to the AO for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface disturbing operation is submitted.

b. Implement mitigation measures required by the AO. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as testing salvage and recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the AO, surface occupancy on that area must be prohibited.

The Lessee shall immediately bring to the attention of the AO any cultural resources discovered as a result of operations under this lease and will not disturb such discoveries until directed to proceed by the AO.

3. *Peregrine Falcon* (to be included only in Fourth Sale leases for Tracts 65 through 69, 77 through 83, 85 through 93, 100 through 102, and 119.

This establishes a time period within which activities will be barred to protect the peregrine falcon. Limited exceptions may be authorized in writing by the AO if the Lessee can reasonably demonstrate to the satisfaction of the AO that such activities would be unlikely to have an adverse effect on this important wildlife resource or its habitats. A decision to exempt must be based on a sound analysis (by Lessee) of the type, location and intensity of the proposed activity and/or density of facilities and the cumulative impacts from other user activities/facilities regionally.

In order to protect important endangered raptor nesting sites and adjacent habitat, all activities will be limited as follows:

a. All construction and ground level activity will be prohibited within one mile of nesting sites from April 15 through August 31.

b. Aircraft shall maintain a 1,500 foot altitude above nest sites and a one mile horizontal distance from nest sites from: April 15 through August 31 unless doing so would endanger human life or safe flying practices.

c. All permanent facilities (e.g. drill pads, airstrips, camps, roads or pipelines) will not be permitted within one mile of any nesting site.

d. Within two miles of nest sites, blasting or other significant construction noise is prohibited between April 15 and August 31 unless authorized by the AO in consultation with the United States Fish and Wildlife Service (FWS).

e. Material sites, disposal sites, water reservoirs, drill pads or other land uses that would significantly alter ponds, lakes, wetlands or shrub riparian habitat are prohibited within one mile of nest sites. Such cumulative activity within fifteen miles of identified peregrine falcon nest sites must be authorized by the AO in consultation with the FWS and will be allowed only after a complete analysis of impacts to potential peregrine falcon hunting habitat.

Exceptions to these limitations in peregrine falcon habitat hunting areas must be specifically authorized by the AO in consultation with FWS.

4. *Wildlife Conservation* (to be included as shown below): This stipulation sets time periods within which activities must be restricted to conserve wildlife resources. Limited exceptions to these stipulated dates may be specifically authorized in writing by the AO if the Lessee can reasonably demonstrate to the statisfaction of the AO that such activities would be unlikely to have an adverse effect on these important wildlife resources or their habitats. A decision to exempt must be based on a sound analysis (by Lessee) of the type, location, and intensity of the proposed activity and/or density of facilities and the cumulative regional impacts from other user activities/facilities. Prior to development, a NEPA compliance document will be necessary to consider the modification of the following seasonal restrictions to allow for the maintenance and operation of producing wells.

a. *Waterbirds* (to be included only in Fourth Sale leases for Tracts 20, 24 through 27, and 33):

Operations between May 20 and August 25 will be barred in order to protect important waterbird (duck, goose, swan) and shorebird nesting, molting and staging habitats.

b. *Caribou Migration* (to be included only in Fourth Sale leases for Tracts 18, 22, 23, 29 through 32, 36 through 38, 102, 113 through 116, and 119):

Operations proposed between August 15 and September 15 for areas used as caribou migration routes will be barred. No activities which would hinder normal caribou movements will be permitted.

c. *Caribou Calving* (to be included only in Fourth Sale leases for Tracts 42 through 44, 51, 52, and 65):

Operations between May 15 and July 15 for areas used for caribou calving will be barred. No activities which would hinder normal caribou movements or calving will be permitted.

Only as much of this stipulation as is appropriate for a given tract has been attached to that tract.

5. *Special Management Zones* (to be included only in Fourth Sale leases for Tracts 24 and 25):

The Lessee must address the cumulative effects of other industrial activities on the key biological resources. The AO may consider these cumulative effects in deciding to approve, deny or modify the Lessee's proposed operations. If the Lessee's primary research indicates a high probability of significant adverse effects on key biological resources, then, in order to operate, the Lessee must be able to locate sites, design facilities, and time activities to eliminate these impacts to the satisfaction of the AO.

For any activity in a Special Management Zone (SMZ), the Lessee must reasonably demonstrate either a. or b. (as shown below) to the satisfaction of the AO:

a. That they have conducted primary research on the effects of the proposed facilities/activities on the biological resources present. This research must

support a conclusion that all phases of proposed multi-year activities and all facilities will have little or no adverse effects on key wildlife resources or habitats; or

b. The primary research and/or current literature on the response of key wildlife to similar disturbances in similar settings support a conclusion that the proposed activity will have little or no permanent adverse effects on fish and wildlife use of habitats because of the following:

(1) Operations will not permanently alter the habitat, thus precluding fish and wildlife use; and/or

(2) Operations will not be conducted during periods of intense fish and wildlife use; or

(3) Operations will not be conducted in proximity to important fish and wildlife habitats to migration routes.

6. *Subsistence Lifestyle* (to be included only in Fourth Sale leases for Tracts 16, 24, 27 through 30, 32, 34, 35, 37, and 38):

Areas within this lease contain harvestable resources utilized by North Slope residents as part of their subsistence lifestyle. If subsistence impacts are determined to be potentially significant by the AO, the Lessee, prior to any drilling, construction or placement of any exploration/development structures on lease areas, including pipeline and facility placement (hereafter referred to as "operation"), shall gather site-specific information using field examination techniques approved by the AO. On all areas where operations will take place, the field examination(s) shall identify the following:

a. Active subsistence hunting, fishing, trapping, or gathering sites;

b. Routes of access to sites traditionally used by subsistence hunters, trappers, fishermen and gatherers; and

c. High density areas of harvestable resources within and/or migration routes to, from and within the area(s) of proposed operations.

If the site-specific information shows that harvestable subsistence resources may be adversely affected by any lease operations, the Lessee shall establish to the satisfaction of the AO that impacts are mitigated by the following:

a. Relocating the site of such operations to minimize adverse effects on the harvestable resources; and/or

b. Relocating the site of such operations and the design of production, processing and transportation facilities to assure continued access of the subsistence user to the subsistence sites and to areas where the harvestable resources are of known high density; and/or

c. Establish that such operations will not have a significant adverse effect upon the harvestable resources, the subsistence sites, and/or the subsistence users' access to the sites or resources after consultation with those rural Alaskans who actively use the area for subsistence.

7. *Subsistence Fisheries* (to be included only in Fourth Sale leases for Tracts 16, 27, 28, 30, 32, 34, 35, 37, and 38):

No activities will be authorized within ¼ mile of aquatic habitat (i.e. streams and lakes or estuarine and marine habitats) which support a subsistence fishery. Limited exceptions may be specifically authorized in writing by AO if the Lessee can reasonably demonstrate to the satisfaction of the AO that such activities would not interfere with continued subsistence use.

8. *Environmental Training* (to be included in all Fourth Sale leases):

In any Application for Permit to Drill submitted under 43 CFR 3160, the Lessee shall include for review and approval by the AO a proposed environmental training (ET) program for all personnel involved in exploration or development activities. The program shall be designed to inform each project employee of the specific types of environmental, social and cultural concerns which relate to each individual's job. The program shall be formulated and conducted by qualified instructors experienced in the pertinent fields of study. They shall use methods to assure that personnel can recognize and will conserve archeological, geological, and biological resources. The ET program will cover Lessee's policies and techniques to avoid harassment of wildlife. The program shall increase the sensitivity and understanding of personnel to local community values, customs, and lifestyles. Information on local subsistence activities should be included in order to minimize potential conflicts. The Lessee shall also submit for review and approval a technical environmental briefing program for supervisory and managerial personnel.

As part of this environmental training, the Lessee shall inform all personnel that:

The rural residents of the North Slope shall have the right of ingress and egress and the right to use the leasehold in conducting their hunting, trapping and related activities in accordance with applicable law provided that such rights shall not be exercised in such a manner as to endanger the safety of Lessee's employees or damage Lessee's equipment or facilities.

Additional Sale Information

A detailed Statement of Sale setting forth the terms and conditions of the lease offering, the forms discussed above and the bid format may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Robert W. Arnodorfer,

Acting State Director.

[FR Doc. 84-15756 Filed 6-12-84; 8:45 am]

BILLING CODE 4310-JA-M

Cassia Resource Management Plan; Final Environmental Impact Statement Availability

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability, Cassia Resource Management Plan, Final Environmental Impact Statement (INT FEIS 84-19).

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and section 202(a) of the Federal Land Policy and Management Act of 1976, Department of Interior, Bureau of Land Management, has prepared a final environmental impact statement (FEIS) for a Resource Management Plan on 476,273 acres of BLM-administered lands in the West Cassia, Cotterel, and Sublett Planning Units of the Snake River Resource Area, Burley District, Idaho. Located in southcentral Idaho, these lands are primarily in Cassia County, with limited acreage in Twin Falls, Powers, and Oneida Counties.

SUPPLEMENTARY INFORMATION: Copies of the final environmental impact statement are available for inspection at the following locations:

Burley District Office, Bureau of Land Management, Route 3, Box 1, Burley, ID 83318, Telephone (208) 678-5514

Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706, Telephone (208) 334-1770

Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street, NW., Washington, D.C. 20240.

A limited number of single copies may be obtained from the Idaho State Director or the Burley District Manager, Bureau of Land Management, at the above addresses.

Protests

Any person who participated in the planning process and has an interest which is or may be adversely affected by the approval of the proposed Cassia RMP may protest such approval. Protests should be filed with the Director, Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240 not later than July 15, 1984. Protests must be filed in accordance with Bureau planning regulations (43 CFR 1610.5–2).

For further information contact Jimmie L. Pribble, Snake River Area Manager, Burley District Office, Telephone (208) 678–5514.

Dated: June 5, 1984.

Marvin R. Bagley,

Acting District Manager.

[FR Doc. 84–15796 Filed 6–12–84; 8:45 am]

BILLING CODE 4310–GG–M

[OR 17526]

Oregon; Conveyance of Public Land; Order Providing for Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 1,120.00 acres of public land out of Federal ownership. This action will also open 1,112.55 acres of reconveyed lands to surface entry.

EFFECTIVE DATE: July 23, 1984.

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

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

SUPPLEMENTARY INFORMATION:

1. Notice is hereby given that in an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 1,120.00 acres of land in Baker County, Oregon from Federal to private ownership.

2. In the exchange, the following lands have been reconveyed to the United States:

Willamette Meridian

T. 10 S., R. 45 E.,
Sec. 11, E½SW¼ and SE¼;
Sec. 14, NE¼ and E½NW¼.
T. 10 S., R. 46 E.,
Sec. 4, lot 4, SW¼NW¼,and W½SW¼;
Sec. 5, lots 1, 2, and 3, S½NE¼,SE¼NW¼, E¼SW¼, and SE¼.

The areas described aggregate 1,112.55 acres in Baker County, Oregon.

3. At 8:30 a.m., on July 23, 1984, the lands described in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid application received at or prior to 8:30 a.m., on July 23, 1984, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. All minerals in the lands described in paragraph 2 have been and continue to be open to operation of the United States mining laws and mineral leasing laws.

Dated: June 5, 1984.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84–15799 Filed 6–12–84; 8:45 am]

BILLING CODE 4310–33–M

[OR 33511]

Oregon; Conveyance of Public Land; Order Providing for Opening of Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 33.41 acres of public land out of Federal ownership. This action will also open 40.00 acres of reconveyed land to surface entry.

EFFECTIVE DATE: July 23, 1984.

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

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

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that in an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 33.41 acres of land in Grant County, Oregon from Federal to private ownership.

2. In the exchange, the following land has been reconveyed to the United States:

Willamette Meridian

T. 14 S., R. 32 E.,
Sec. 8, SW¼NW¼.

The area described contains 40.00 acres in Grant County, Oregon.

3. At 8:30 a.m., on July 23, 1984, the land described in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on July 23, 1984, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. All minerals in the land described in paragraph 2 have been and continue to be in United States ownership. The land has been and continues to be open to operation of the United States mining laws and mineral leasing laws.

Dated: June 5, 1984.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84–15800 Filed 6–12–84; 8:45 am]

BILLING CODE 4310–33–M

Boise District, Idaho, Advisory Council; Meeting

SUMMARY: In accordance with Pub. L. 92–483, the Federal Advisory Committee Act, and Pub. L. 94–579, the Federal Land Policy and Management Act, notice is hereby given that the Boise District Advisory Council will meet July 3, 1984.

SUPPLEMENTARY INFORMATION: The meeting will take place July 3 from 1:00 p.m. to 4:00 p.m. It will be held in the main floor conference room at the BLM, Boise District Office. The Council will discuss and make its recommendation concerning the Owyhee Canyonlands Wilderness Study Areas.

The meeting was scheduled after the Council elected to postpone its recommendation concerning the Owyhee Canyonlands Wilderness Study Areas at the May 24, 1984 Advisory Council meeting. The recommendation was postponed to give the Council additional time to study the issue.

The public is invited to attend. A public comment period has been scheduled from 2:00 p.m. to 3:00 p.m.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705, phone (208) 334–1582. Minutes of the meeting will be available for public inspection at the District Office.

Dated: June 4, 1984.

Martin J. Zimmer,

District Manager.

[FR Doc. 84–15798 Filed 6–12–84; 8:45 am]

BILLING CODE 4310–GG–M

[N-39188]

Realty Action—Non-Competitive Sale of Public Land in Lyon County, Nevada

The following described land, comprising 5 acres, more or less, has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750), 43 U.S.C. 1713:

Mount Diablo Meridian, Nevada

T. 17 N., R. 24 E.,
Sec. 35, SW¼SW¼NE¼NE¼, SE¼SE¼NW¼NE¼.

The above described land, comprising 5 acres, more or less, is being offered as a direct sale to Raymond D., Richard L., and Robert R. Depaoli at no less than fair market value.

The land is being offered as a non-competitive sale to the Depaolis, the owners of the adjoining tract and improvements on the sale tract to protect their equity investment in the improvements on the land, and resolve a trespass situation.

The proposed sale is consistent with the Bureau's planning system. Sale of the land is also consistent with local government planning and zoning. The land has not been used and is not required for any federal purpose. Disposal would best serve the public interest.

Patent, if and when issued, will contain the following reservations to the United States:

1. The right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. All mineral deposits in land so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The reservation will be modified if the patentee elects to purchase the saleable, locatable and leaseable mineral interests of the United States.

There are no known values for locatable and saleable minerals. The only leaseable mineral having a known value is geothermal steam and associated resources. In accordance with section 209(b)(1) of Pub. L. 94–579, mineral interests will be conveyed simultaneously with the surface estate upon submission of an application and payment of fair market value for geothermal resources.

And will be subject to:

1. Those rights for highway purposes which have been granted to the State of Nevada, Department of Transportation, its successors or assigns, by rights-of-way CC–020699, CC–018421.

2. Those rights for railroad purposes which have been granted to Southern Pacific Railroad, its successors or assigns, by right-of-way Nev–0423277.

3. Those rights for communication purposes which have been granted to Bell Telephone of Nevada, its successors or assigns, by right-of-way CC–021488.

Detailed information concerning the sale is available for review at the Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada.

The land will not be offered for sale sooner than 60 days after the date of this notice. For a period of 45 days from the first publication of this notice, interested parties may submit comments to the District Manager, Carson City District Office of the Bureau of Land Management, 1050 E. William Street, Suite 335, Carson City, Nevada 89701. Any adverse comments will be evaluated by the District Manager and forwarded to the Nevada State Director, Bureau of Land Management, who may vacate or modify the realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of Interior.

Dated this 23rd day of May 1984.

Thomas J. Owen,

District Manager, Carson City District.

[FR Doc. 84–15797 Filed 6–12–84; 8:45 am]

BILLING CODE 4310–HC–M

Minerals Management Service

Development Operations Coordination Document; Exxon Co., U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 5610, Block 194, South Timbalier Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Grand Isle, Louisiana.

DATE: The subject DOCD was deemed submitted on June 6, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Emile H. Simoneaux, Jr., Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0872.

SUPPLEMENTARY INFORMATION: 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 DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 6, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–15845 Filed 6–12–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; ODECO Oil & Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0605, Block 86, South Timbalier Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Dulac and Houma, Louisiana.

DATE: The subject DOCD was deemed submitted on June 4, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Emile H. Simoneaux, Jr., Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0872.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 4, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–15846 Filed 6–12–84; 8:45 am]

BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

[OSM–EIS–16]

Availability of Draft Environmental Impact Statement on the Proposed Expansion of the Absaloka Mine, Big Horn County, Montana, Amended Indian Lands Coal Mining Lease 1420–0252–4088

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

ACTION: Notice of availability of the draft environmental impact statement (OSM–EIS–16).

SUMMARY: The Office of Surface Mining (OSM) and the Montana Department of State Lands (DSL) are making available for public review and comment a jointly prepared draft environmental impact statement (EIS) on the proposed Absaloka Mine, Big Horn County, Montana. This EIS has been prepared to assist in making a decision on Westmoreland Resources application to surface mine coal 26 miles east of the city of Hardin, Montana. OSM and Montana DSL are requesting that any interested party submit written comments on the draft EIS to assist with the preparation of the final EIS. If substantial interest is shown, OSM and Montana DSL may hold a public hearing in the vicinity of the mine.

DATES: *Comment period:* Written comments on the draft EIS must be received by 4:00 p.m. (Mountain Daylight Time), August 3, 1984, at the location listed below under **ADDRESSES.** Notification by the public of interest for a hearing should be submitted by June 20, 1984.

ADDRESSES: *Written comments:* Hand deliver or mail to the attention of Mr. Kit Walther, Environmental Analysis Bureau, Montana Department of State Lands, Capitol Station, Helena, Montana 19620.

Availability of copies: Copies of the draft EIS may be obtained from Kit Walther, Environmental Analysis Bureau, Montana Department of State Lands, Capitol Station, Helena, Montana 19620 or Allen D. Klein, Administrator, Attn: Charles Albrecht, Office of Surface Mining, Western Technical Center, Second Floor, Brooks Towers, 1020 15th Street, Denver Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Charles Albrecht, Chief, Environmental Analysis Branch (telephone: 303–844–5421) at the location given under **ADDRESSES.**

SUPPLEMENTARY INFORMATION:

Written Comments

Written comments should be as specific as possible. All comments are appreciated, but those most useful and likely to influence decisions in the preparation of the final EIS are those which provide facts and analyses to support any recommendations or conclusions. OSM and Montana DSL cannot assure that written comments received after the time indicated under **"DATES"** or at locations other than that listed under **ADDRESSES** will be considered or included in the preparation of the final EIS.

Background

Westmoreland Resources, Inc. opened the Absaloka Mine in 1974, gaining approval to mine 2,596 acres. The company is now seeking approval to mine 70 million additional tons of coal over a 13 year period at a rate of approximately 5 million tons per year. The proposed mining would disturb 629 new acres of land. The draft EIS which was prepared jointly by OSM and Montana DSL, analyzes in detail the environmental impacts of Westmoreland's plans for the next 13 years. These plans would extend mining into sections 24 and 25 of T. 1 N., R. 37 E., and section 19 and 30 of T. 1 N., R. 38 E. The document also analyzes Westmoreland's long-range plans, which cover the next 34 years. Considered in the document's analysis are impacts on a varity of resources, such as water, air soils, vegetation, wildlife, land use, social and community services, and fiscal conditions.

Dated: June 8, 1984.

Mark Boster,

Acting Assistant Director, Technical Services and Research.

[FR Doc. 84–15888 Filed 6–12–84; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–149 (Final)]

Barium Chloride From the People's Republic of China

AGENCY: United States International Trade Commission.

ACTION: In conformance with the determination of the International Trade Administration of the Department of Commerce to amend its schedule for the conduct of the referenced investigation (49 FR 22365, May 29, 1984), the Commission hereby revises its schedule as follows: The prehearing conference will be held on August 17, 1984; the hearing will be held on August 23, 1984; and the Commission's final determination shall be issued on or before October 4, 1984.

EFFECTIVE DATE: June 5, 1983.

SUPPLEMENTARY INFORMATION: The Commission instituted this final antidumping investigation effective April 6, 1984, and scheduled a hearing to be held in connections therewith for June 26, 1984 (49 FR 18791, May 2, 1984). On May 29, 1984 (49 FR 22365), the Department of Commerce extended the investigation in response to a request from the China National Import and Export Corporation, the exporter of the subject merchandise in the People's Republic of China. The effect of the extension was to change the scheduled date for Commerce to make its final determination from June 18, 1984, to August 20, 1984. Accordingly, the Commission is revising its schedule in the investigation to conform with Commerce's new schedule.

The Commission's hearing, which was to have been held on June 26, 1984, has been rescheduled to begin at 10 a.m. on August 23, 1984, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on

August 10, 1984. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10 a.m. on August 17, 1984, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is August 16, 1984. A public version of the prehearing staff report containing preliminary findings of fact in this investigation will be placed in the public record on August 6, 1984.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202–523–0296), Office of Investigations, U.S. International Trade Commission, Washington, D.C. 20436.

Issued: June 7, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–15900 Filed 6–12–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–214 (Preliminary) and 731–TA–188 (Preliminary)]

Lamb Meat From New Zealand

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is no reasonable indication that an industry in the United States is materially injured, or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from New Zealand of lamb meat, provided for in item 106.30 of the Tariff Schedules of the United States (TSUS), which are alleged to be subsidized by the Government of New Zealand.

The Commission also determines,[3] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is no reasonable indication that an industry in the United States is materially injured, or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from New Zealand of lamb meat, provided for in TSUS item 106.30, which are alleged to be sold in the United States at less than fair value.

Background

On April 18, 1984, petitions were filed with the United States International Trade Commission and the U.S. Department of Commerce by counsel on behalf of the American Lamb Co., the Denver Lamb Co., and the Iowa Lamb Corp., alleging that imports of lamb meat from New Zealand are being subsidized and are being sold in the United States at less than fair value. Accordingly, the Commission instituted preliminary countervailing and antidumping investigations under sections 703(a) and 733(a), respectively, of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on April 25, 1984 (49 FR 17828). The conference was held in Washington, D.C., on May 10, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigations to the Secretary of Commerce on June 4, 1984. A public version of the Commission's report, *Lamb Meat from New Zealand* (investigations Nos. 701–TA–214 (Preliminary) and 731–TA–188 (Preliminary), USITC Publications 1534, 1984), contains the views of the Commission and information developed during the investigations.

Issued: June 4, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–15898 Filed 6–12–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–164]

Certain Modular Structural Systems; Review of Initial Determination and Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined to review the presiding officer's initial determination that there is a violation of section 337 in the above-captioned investigation and to terminate this investigation on the basis that the investigation is moot and that, in any event, there is no violation of section 337.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53–210.56 of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982 and 48 FR 9242, March 4, 1983; codified at 19 CFR 210.53–210.56.

SUPPLEMENTARY INFORMATION: On March 29, 1984, the presiding officer issued an initial determination that there is a violation of section 337 in the importation and sale of certain modular structural systems. On April 30, 1984, the Commission extended the time for determining whether to review the initial determination until June 4, 1984, and ordered the complainant to show cause why this investigation should not be terminated as moot as a result of a judgment of the Federal Court of Canada, issued January 10, 1984. 49 FR 19746 (May 9, 1984).

After considering the record and the initial determination, the Commission determined to review the initial determination and to terminate this investigation because it is moot and because, in any event, there is no violation of section 337.

Notice of this investigation was published in the **Federal Register** of September 15, 1983 (48 FR 41531).

Copies of the Commission's Action and Order, the Memorandum Opinion to be issued by the Commission, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, tel. 202–523–0480.

Issued: June 4, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–15896 Filed 6–12–84; 8:45 am]

BILLING CODE 7020–02–M

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioners Haggart and Lodwick determine that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of lamb meat from New Zealand which are alleged to be subsidized by the Government of New Zealand.

[3] Commissioners Haggart and Lodwick determine that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of lamb meat from New Zealand which are alleged to be sold at less than fair value.

[Investigation No. 337-TA-145]

Certain Rotary Wheel Printers; Decision Not To Review Initial Determination Terminating Respondent on the Basis of a Consent Order; Issuance of Consent Order

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review an initial determination (I.D.) to terminate this investigation as to respondent Daisy Systems Holland B.V. (Daisy Systems), on the bases of a settlement agreement, purchase-sale agreement and a consent order.

AUTHORITY: 19 U.S.C. 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983 (to be codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the **Federal Register** of May 2, 1984, 48 FR 18794. No petitions for review or agency or public comments were received.

Copies of all non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1693.

Issued: June 7, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-15901 Filed 6-12-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-145]

Certain Rotary Wheel Printers; Decision Not To Review Initial Determination Terminating Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review an initial determination (I.D.) to terminate this investigation as to respondent Ing. C. Olivetti & Co., S.p.A. (Olivetti), on the basis of a settlement agreement. Termination of Olivetti effectively terminates this investigation, as Olivetti was the sole remaining respondent to this investigation.

AUTHORITY: 19 U.S.C. 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983 (to be codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the **Federal Register** of May 9, 1984, 49 FR 19748. No petitions for review or agency or public comments were received.

Copies of all nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1693.

Issued: June 8, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-15903 Filed 6-12-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-167]

Certain Single-Handle Faucets; Determination Not To Review Initial Determination Terminating Respondents on the Basis of Consent Orders; Issuance of Consent Orders

AGENCY: U.S. International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (ID) to terminate this investigation as to respondents Charles Laurel Co., Inc., Laurel International, Globe-Union Industrial Corp., and Yi Fong Hygienic Fixture Co., Ltd., on the basis of consent orders.

Authority: 19 U.S.C. 1337; 19 CFR 210.51(d) and 211.21.

SUPPLEMENTARY INFORMATION: Notice of the ID was published in the **Federal Register** of May 9, 1982 (49 FR 19747). The Commission has received neither a petition for review of the ID nor comments from the public or from other Government agencies.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 202-523-0493.

Issued: June 7, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-15899 Filed 6-12-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. TA-201-49]

Report to the President; Stainless Steel Table Flatware

June 4, 1984.

Determination

On the basis of the information developed in the course of investigation No. TA-201-49, the Commission has determined [1] that knives, forks, spoons, and ladles, with stainless steel handles, provided for in items 650.08, 650.09, 650.10, 650.12, 650.38, 650.39, 650.40, 650.42, 650.54 and 650.55, and, if included in sets, item 651.75, of the Tariff Schedules of the United States (TSUS), are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

Background

The Commission instituted the present investigation, No. TA-201-49, following the receipt, on December 13, 1983, of a petition for import relief filed on behalf of the Stainless Steel Flatware Manufacturers Association. The investigation was instituted pursuant to section 201(b) of the Trade Act of 1974 (19 U.S.C. 2251(b)) in order to determine whether knives, forks, spoons, and ladles, with stainless steel handles, provided for in items 650.08, 650.09, 650.10, 650.12, 650.38, 650.39, 650.40, 650.42, 650.54, and 650.55, and, if included in sets, item 651.75, of the TSUS are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of January 10, 1984 (49 FR 1295). The hearing was held in Washington, D.C., on March 29,

[1] Commissioner Susan Liebeler, who received her oath of office on April 20, 1984, did not participate.

1984, and all persons who requested the opportunity were permitted to appear in person or through counsel. The Commission's determination in this investigation was made in an open "Government in the Sunshine" meeting, held on May 1, 1984.

This report is being furnished to the President in accordance with section 201(d)(1) of the Trade Act. The information in the report was obtained from fieldwork and interviews by members of the Commission's staff, and from other Federal agencies, responses to Commission questionnaires, information presented at the public hearing, briefs submitted by interested parties, the Commission's files, and other sources.

The Commission's public report, *Stainless Steel Table Flatware* (investigation No. TA–201–49, USITC Publication 1536, 1984), will contain the views of the Commissioners and information developed during the investigation. Copies may be obtained after June 20, 1984, by calling 202–523–5178 or from the Office of the Secretary, 701 E Street NW., Washington, D.C. 20436.

Issued: June 4, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–15896 Filed 6–12–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–190 (Preliminary)]

Stainless Steel Wire Cloth From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: June 1, 1984.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of cloth, gauze, fabric, screen, netting, and fencing of stainless steel wire, provided in items 642.50, 642.52, 642.62 642.64, and 642.74 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. David Coombs, telephone 202–523–1376, Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on June 1, 1984, by counsel on behalf of the American Wire Cloth Institute. The Commission must make its determination in this investigation within 45 days after the date of the filing of the petition, or by July 16, 1984 (19 CFR 207.17).

Participation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of Documents.

The Secretary will compile a service list from the entries of appearance filed in this investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written Submissions

Any person may submit to the Commission on or before June 26, 1984, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m. on June 22, 1984, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Mr. David Coombs (202–523–1376) not later than June 19, 1984, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public Inspection

A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Coombs.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: June 4, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–15894 Filed 6–12–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337-TA-186]

Certain Tennis Rackets; Decision Not To Review Initial Determination Amending Complaint

AGENCY: U.S. International Trade Commission.

ACTION: The Commision has determined not to review an initial determination (ID) amending the complaint in the above-captioned investigation.

Authority: 19 U.S.C. 1337; 19 CFR 210.20(d) and 210.53 (c) and (h).

SUPPLEMENTARY INFORMATION: On April 12 and 26, 1984, complainant Prince Manufacturing Co. (Prince) filed two motions (Motions Nos. 186–8 and 186–10) to amend the complaint. Respondents Snauwaert & Depla and Trak, Inc. opposed Motion No. 186–8. The Commission investigative attorney supported Motion No. 186–8 in part and took no position regarding the rest of the motion. Neither respondents nor the investigative attorney opposed Motion No. 186–10.

On May 10, 1984, the presiding officer issued an ID (Order No. 12) granting both motions. The Commission received neither a petition for review of the ID nor comments from other Government agencies.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq. Office of the General Counsel, telephone 202–523–0499.

Issued: June 8, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–15902 Filed 6–12–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No.104-TAA-23]

Certain Tomato Products From Greece

AGENCY: United States International Trade Commission.

ACTION: Institution of a countervailing duty investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: June 5, 1984.

SUMMARY: Pursuant to section 104(b) (2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), the U.S. International trade Commission is instituting this countervailing duty investigation to determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of tomato products from Greece which are covered by an outstanding countervailing duty order if that order were to be revoked. The investigation covers imports of tomato paste and tomato sauce, provided for in item 141.65, peeled tomatoes, provided for in item 141.66, and tomato juice, provided for in item 166.30, of the Tariff Schedules of the United States.

FOR FURTHER INFORMATION CONTACT: Lowell Grant, Commodity Analyst, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–724–0099.

SUPPLEMENTARY INFORMATION:

Background

On March 28, 1972, the Department of the Treasury issued a countervailing duty order under section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) on the subject tomato products imported from Greece (T.D. 72e–88, 37 FR 6360). On January 1, 1980, the Trade Agreements Act of 1979 (Pub. L. 96–39) became effective. That act provided, in section 104(b), that "In the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930 . . . which applies to merchandise which is the product of a country under the Agreement, and which is in effect on January 1, 1980 * * *, the Commission, upon the request of the government of such a country * * *, submitted within 3 years after the effective date of title VII of the Tariff Act of 1930 (January 1, 1980) shall * * * commence an investigation to determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of the merchandise covered by the countervailing duty order if the order were to be revoked." On March 16, 1982, the Commission received such a request from the Delegation of the Commission of the European Communities.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c)).

Staff Report

A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on July 27, 1984, pursuant to § 207.21 of the Commission's rules (19 CFR 297.21)

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m., on August 14, 1984, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on August 1, 1984. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on August 6, 1984, in room 117 of the U.S. International Trade Commission Building.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic anlyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22), and must be submitted not later than the close of business on August 7, 1984. Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on August 21, 1984.

Written Submissions

As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown

above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before August 21, 1984. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, Subparts A, C, and D (19 CFR Part 207) and Part 201, Subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.30 of the Commission's rules (19 CFR 207.30)

Issued: June 6, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-15897 Filed 6-12-84; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No.28640 (Sub-9), et al.[1]]

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; Reorganization Acquisition by Grand Trunk Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of oral argument.

SUMMARY: In these proceedings, the Commission has been considering proposals for reorganization and/or acquisition of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) by Grand Trunk Corporation (GTC), Chicago Milwaukee Corporation (CMC), Chicago and North Western Transportation Company (CNW), and Soo Line Railroad Company (Soo). (*See* Notices published May 2, 1983, at 48 FR 19792, August 26, 1983, at 48 FR 38911, and March 29, 1984, at 49 FR 12333.) Because of the importance of these proposals, oral argument will be heard on July 11 and 13, 1984, in Washington, D.C. Counsel for GTC, CMC, CNW, and Soo shall provide a list of the order of persons arguing in support of their respective proposals and the time allocated to each. Counsel for MILW's Trustee shall also provide a list of the order of persons arguing on behalf of the Trustee. Government claimants against MILW's estate and other non-applicant parties who oppose any of the proposals, or who want specific relief relating to the proposals, and who seek to participate, shall contact the Commission's Office of Proceedings. Members of Congress and individuals representing federal, state, and local governments and agencies (other than government claimants) who wish to appear shall contact the Commission's Office of Legislation and Governmental Affairs.

DATES: Oral argument will be heard at 9:30 a.m. on July 11 and 12, 1984. Parties other than applicants desiring to participate shall contact the Office of Proceedings, or the Office of Legislation and Governmental Affairs, as appropriate, no later than June 18, 1984. GTC, CMC, CNW, Soo, and MILW's Trustee must submit to the Commission's Office of Proceedings their respective lists of persons who will speak no later than June 25, 1984. The Commission will then issue a schedule of appearances.

ADDRESSES: The oral argument will be heard in Hearing Room A at the Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, DC.

If you desire to participate, please contact, as appropriate:

Office of Legislation and Governmental Affairs, Interstate Commerce Commission, 12th St. and Constitution Avenue NW., Washington, DC 20423, (202) 275–7231

Louis E. Gitomer, Office of Proceedings, Room 5417, Interstate Commerce Commission, 12th St. and Constitution Avenue NW., Washington, DC 20423, (202) 275–7245

GTC c/o Basil Cole, Hamel & Park, 888 Sixteenth Street, NW., Washington, DC 20006, (202) 835–8000

CMC c/o Peter F. Rousselot, Hogan & Hartson, 815 Connecticut Avenue NW., Washington, DC 20006 (202) 331–4500

CNW c/o Charles A. Miller, Covington & Burling, 1201 Pennsylvania Avenue NW., Washington, DC 20044, (202) 662–5410

Soo c/o Richard J. Flynn, Sidley & Austin, 1722 Eye Street NW., Washington, DC 20006, (202) 429–4000

MILW Trustee c/o Robert H. Wheeler, Isham, Lincoln & Beale, Three First National Plaza, Chicago, Illinois 60602, (302) 558–7500.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: In these proceedings, the Commission has been considering proposals for reorganization and/or acquisition of MILW by GTC, CMC, CNW and Soo. Because of the importance of these proposals, oral argument will be heard on July 11 and 12, 1984, in Washington, D.C.

Approximately one hour at the beginning of the oral argument on July 11, 1984, will be reserved for appearances by Members of Congress and individuals representing federal, state, and local governments or agencies who wish to be heard. These persons should contact the Commission's Office of Legislation and Governmental Affairs no later than June 18, 1984, to indicate their intention to appear. The request should indicate the amount of time sought for argument. The U.S. Department of Transportation and the Civil Division of the U.S. Department of Justice will not be heard during the public party phase since they are participating as claimants against MILW's estate. They may participate during the support phase (first day) or during the opposition phase (second day), at their option.

Thirty minutes each will then be allocated to GTC, CMC, CNW, and Soo for argument in support of their respective proposals. Any part of that time may be reserved for rebuttal following opponents' argumants. Counsel for GTC, CMC, CNW, and Soo shall coordinate the appearances and time allocations for their respective speakers. Each person designated to speak should be assigned no less than 10 minutes for presentation of argument.

On July 12, 1984, beginning at 9:30 a.m. MILW's Trustee shall be allocated 30 minutes for argument on all of the proposals. Counsel for MILW shall coordinate the appearances and time allocations for their respective speakers. Each person designated to speak should be assigned no less than 10 minutes for presentation of argument. Any part of the 30 minutes may be reserved for rebuttal following opponents' arguments.

[1] Embraces Finance Docket No. 28640 (Sub-Nos. 9A–F, 9K–M, and 9P–BB) and Nos. MC–F–15231 and MC–F–15231 (Sub-Nos. 1 and 2).

Approximately 150 minutes will be allowed for argumants in opposition to any of the proposals, including arguments for specific relief relating to any of the proposals, such as the imposition of conditions and trackage rights.

On June 25, 1984, counsel for GTC, CMC, CNW, Soo, and MILW's Trustee shall provide the Commission with a list of the order of persons who will argue, and the time allocated to each. All parties seeking to argue during the opposition phase shall contact the Commission's Office of Proceedings no later than June 18, 1984, to request time for argument. Parties will be allocated no less than 10 minutes to present argument. Because of the limited time available, it may not be possible for all parties seeking to present argument to be allocated time. A schedule of appearances will be issued before the argument, naming the individuals presenting argument and the time allocations.

All parties presenting arguments shall, at the time of argument, submit to the Commission 10 written copies of their prepared argument and any supporting exhibits. Written arguments should correspond to the oral presentations and will be made part of the record. The points in the record will be considered even if not reached during the oral presentations.

This modifies the Supplemental Procedural Schedule issued March 26, 1984, which designated July 19, 1984, as the tentative date for oral argument.

This notice is issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: June 6, 1984.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: June 6, 1984.

James H. Bayne,

Secretary.

[FR Doc. 84-15618 Filed 6-12-84; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub 24)]

Intrastate Rail Rate Authority; North Dakota

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission will accord final certification to the North Dakota Public Service Commission under 49 U.S.C. 11501(b) to regulate intrastate rail transportation for a 5-year period.

DATES: Certification will be effective on July 12, 1984.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 4, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84-15817 Filed 6-12-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration Johnson Matthey, Inc.

By Notice dated March 30, 1984, and published in the **Federal Register** on April 6, 1984 (49 FR 13756), Johnson Matthey, Inc., 1401 King Road, West Chester, Pennsylvania 19380, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Fentanyl (9801), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: June 5, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-15828 Filed 6-12-84; 8:45 am]

BILLING CODE 4410-09-M

Office of Justice Assistance, Research and Statistics

Regional Information Sharing System (RISS)

AGENCY: Office of Justice Assistance, Research and Statistics, Justice.

ACTION: Request for public comment.

SUMMARY: The Office of Justice Assistance, Research and Statistics (OJARS), pursuant to Attorney General Order Number 886-80, proposes to issue a guideline for the award of funds to support regional information sharing system projects. OJARS invites interested persons to comment on the proposed guideline for the Regional Information Sharing System (RISS) Program. Comments received will be considered by OJARS before the final publication of this guideline. The period for public comment is 30 days. After publication of the final guideline following the comment period participating projects may apply for refunding or may revise application on file in accordance with the final guideline.

As defined by Executive Order 12291 this proposed notice does not constitute a "major" notice because it does not result in: (a) An effect on the economy of $100 million or more, (b) a major increase in any costs or prices, and, (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprise.

This proposed notice if promulgated will not have "significant economic impact on a substantial number of small entitles", as defined by the Regulatory Flexibility Act (Pub. L. 96-354).

DATES: Comments are due on or before July 10, 1984.

ADDRESS: Send comments to Richard H. Ward, Program Manager, Program Management Division, Office of Planning and Management, OJARS, 633 Indian Avenue NW., Washington, D.C. 20531. 202/724-5961.

FOR FURTHER INFORMATION CONTACT: Richard H. Ward, Program Manager, Program Management Division, Office of Planning and Management, OJARS, 202/724-5961.

Program Announcement

Subject: Announcement of the availability of financial assistance to continue support of the provisions of multijurisdicational intelligence information sharing services to state and local member agencies.

Summary: The Office of Justice Assistance, Research and Statistics announces its intention to award grants to seven projects participating in the Regional Information Sharing System (RISS) Program as authorized by Attorney General Order Number 886-80. Applicant eligibility is limited to existing projects which are in compliance with the legal, administrative and program requirements for financial assistance.

DATES: Applications will be reviewed upon receipt and financial assistance and awards issued within 90 days from receipt. The closing date for receipt of applications for Fiscal year 1983 ends July 1, 1984.

Scope of Program Announcement

Funding and Administration of the Regional Information Sharing Systems (RISS) Program

1. *Purpose.* The purpose of this guideline is to provide information and guidance concerning the funding and administration of the Regional Information Sharing Systems (RISS) Program. This guideline is complemented by additional regulations, guidelines, instructions, and policies such as 28 Code of Federal Regulations (CFR) Part 23; 28 CFR Part 8; M 7100.1C, Financial and Administrative Guide for Grants; I4062.7, Standards of Equipment to be Acquired with LEAA Grant Funds; G 7100.5, Control and Use of Confidential Funds Under the RISS Program; and, Executive Order 12372, Intergovernmental Review of Federal Programs.

2. *Scope.* This guideline is of interest to state and local criminal justice agencies, institutions, and organizations involved in the administration and implementation of the RISS Program.

3. *Cancellation.* OJARS Guideline G4600.1 of March 1, 1983, same subject, is hereby cancelled.

4. *Introduction.*

a. *Authority.* Attorney General Order No. 886–80 authorizes the Assistant Attorney General, Office of Justice Assistance, Research, and Statistics (OJARS), after appropriate consultation with the Administrator of the Drug Enforcement Administration and the Assistant Attorney General in charge of the Criminal Division, to exercise the power and authority to administer the State and local Drug Grants Program, hereafter named as the Regional Information Sharing Systems (RISS) Program. This authorization provides the authority to promulgate such regulations as are necessary for effective administration of this program.

B. *Oversight and Administration.* The Executive Group, composed of the Assistant Attorney General in charge of the Criminal Division, the Administrator of the Drug Enforcement Administration, and the Assistant Attorney General, OJARS, exercises responsibility for the oversight and overall administration of the RISS Program. To assist the Executive Group in its responsibilities, the OJARS Intelligence Systems and Policy Review Board makes recommendations to the Executive Group concerning funding of applications and policy issues dealing with intelligence information and systems, and develops and implements oversight procedures to ensure compliance with the Standards for Criminal Intelligence Operations (28 CFR Part 23). Daily management of the RISS Program is conducted through the Program Management Division, Office of Planning & Management, OJARS.

5. *Program Goals and Objectives.* The goal of the RISS Program is to enhance the ability of state and local criminal justice agencies to identify, target, and remove criminal conspiracies and activities spanning jurisdictional boundaries. The primary objectives of the program are to encourage and facilitate the rapid exchange and sharing of information pertaining to known or suspected criminals or criminal activity among federal, state and local law enforcement agencies, and to enhance coordination/communication among those agencies in pursuit of criminal conspiracies determined to be interjurisdictional in nature. Secondary objectives are to provide technical and financial resources to augment existing multi-jurisdictional enforcement resources/operations. These technical and financial resources may include specialized equipment, training and investigative funds.

6. *Program Description.*

a. *Problem analysis.* Major criminal offenses, including traditional and non-traditional organized crime, drug trafficking and major white collar crime, often span jurisdictional boundaries to the extent that two or more state local jurisdictions may be required to respond to the same offense or conspirators. This multi-juridictional characteristic can post signficant problems for state and local law enforcement in target identification, allocation of enforcement resources, and coordination of those resources to affect successful multi-jurisdictional investigations and prosecutions. Many of these problems stem from the fact that, although state and local enforcement agencies individually may have pieces of information concerning multi-jurisdictional conspirators and their activities, they lack a mechanism by which this information can be exchanged and/or collected to support multi-jurisdictional conspirators and their activities, they lack a mechanism by which this information can be exchanged and/or collected to support multi-jurisdictional investigations and prosecutions. Consequently, the enforcement community's response to the conspiracy/offense may be fragmented, duplicative, counterproductive, and limited. In addition to the lack of information exchange, many law enforcement agencies are deficient in specialized equipment, training, and investigative resources to mount successful multi-jurisdictional operations commensurate with the sophistication of the conspiracy/offense.

b. *Results Sought.* It is expected that successful implementation of the RISS Program will achieve some or all of the following results:

(1) Operation of a modern regional information/data management system capable of the controlled receipt, analysis, evaluation, storage, dissemination and updating of information concerned with organized criminal activity, drug trafficking, and white collar crime.

(2) Establishment of a system of coordination and communication among enforcement agencies for targeting and investigating criminal conspiracies and activities as a means to overcome problems associated with multi-jurisdictional enforcement operations.

(3) Increased opportunity for arrest and successful prosecution of conspirators targeted by participating state and local enforcement agencies.

(4) Recovery of criminal assets (i.e., contraband, stolen equipment) by multi-jurisdictional enforcement operations evolving from services provided by the project.

7. *Program Strategy and Project Components.*

a. *Strategy.* The strategy of the RISS Program is to maintain information sharing centers throughout the United States to service state and local criminal justice agencies. Specifically, the strategy for the program, provided congressional appropriations continue, is to continue the six regional information system centers: the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network, the New England States Police Information Network, the Mid-States Organized Crime Information Center, the Regional Organized Crime Information Center, the Rocky Mountain Information Network, and the Western States Information Network.

b. *Activity Components.* The following are either required or optional components/activitees of projects funded under this program. Optional components must be designed to support the required information-sharing and analytical components.

(1) Information Sharing Component (Required). Every project will maintain and operate either a manual and/or automated information-sharing

component that is responsive to the needs of participating enforcement agencies in addressing multi-jurisdictional offenses/conspiracies. This component must be capable of providing controlled input, dissemination, rapid retrieval, and systematized updating of information to authorized agencies. (See Para. 14.b, *Crminial Intelligence Systems Operating Policies*).

(2) Analytical Component (Required). Every project will establish and operate an analytical component to assist the project and participating agencies in the compilation, interpretation, and presentation of information provided to the project. This component must be capable of responding to participating agency requests for analysis of investigative data.

(3) Telecommunications Component (Required). Projects may establish and/or maintain a telecommunications system designed to directly support the operation of the Information Sharing Component and Analytical Component, and to support project supported investigations and activities. This system may not be used for supplementing the normal telecommunications needs of member agencies.

(4) Investigative Support Component (Optional). Projects may establish and operate an investigative support component by providing financial assistance to participating agencies for their conduct of multijurisdictional investigations. Financial resources may include funds for the purchase of information, contraband that may be used as evidence, services, investigative travel and per diem, and overtime compensation. Funds expended and activities conducted by participating agencies under this component must directly support the operation of the Information Sharing and/or Analytical Components. (See Para. 14a., *Confidential Funds*.)

(5) Specialized Equipment Component (Optional). Projects may establish and maintain a pool of special investigative equipment for loan to participating agencies. The loan of such equipment must directly support the operation of the Information Sharing and Analytical Components. (See Para. 14.d, *Equipment*.)

(6) Technical Assistance Component (Optional). Projects may establish and maintain a component to provide technical assistance to member agencies. Through use of project personnel and others in participating agencies, consultation, advice, and information may be available to member agencies concerning use of specialized equipment, investigative procedures, accounting of project funds if provided by the project in support of investigations, and information analysis. This component will emphasize use of technical resources among the projects as necessary and available. Technical assistance in the form of active participation by project personnel in member agency investigations is strictly prohibited.

(7) Training Component (Optional). Projects may establish and maintain a training component to upgrade investigative skills of personnel from participating agencies. Such training assistance may consist of financial support to send personnel to training courses, seminars, and conferences or design and delivery of special training courses by project staff. Training provided under this component must support the project goals and objectives.

c. *Administrative Components.* Each project must be comprised of three basic administrative components: an oversight group, project staff, and, member agencies.

(1) Oversight Group. Each project must have an established oversight group, i.e., Policy Board, Executive Committee, Supervisory Board, that is composed of representatives from state and local agencies in the project's service area. The primary purpose of the oversight group is to provide policy and direction affecting project operations and administration.

(2) Project Staff. Each project must contain a core group of staff that is of sufficient size and expertise to accomplish the stated objectives of the grant. An organizational structure must be developed that reflects the ability of the project to administer and operate the project to achieve the objectives of the project component discussed in Para. 7.b. (1) through (7). See Para 14.c, *Project Personnel*, for additional information about requirements for project staff.

(3) Member Agencies. Each project must be made up of state and local criminal justice and/or regulatory agencies within the project's service area, who are eligible to receive project services. Each project must develop and utilize documented criteria for project membership. This criterion must be made a part of the project's constitution, bylaws, and/or operating procedures.

8. *Eligibility To Receive Grants.* The Oversight Group for each RISS project will select the state or local criminal justice agency eligible to apply for funding under this Program. Final approval of the applicant will remain with the Office of Justice Assistance, Research, and Statistics (OJARS).

9. *Deadline for Submission of Applications.* Applications must be received by OJARS at least 90 days prior to the anticipated start date of the new award.

10. *Dollar Range and Number of Grants.* The award of six grants is anticipated in FY 1984, ranging from approximately $500,000 to $2.1 million per 12 month period of award.

11. *Cost Sharing.* Projects/grants may be funded up to 100 percent of total project/grant costs. Projects are encouraged to obtain and utilize other resources to the maximum extent possible for the purpose of augmenting project operations. Each project must devise and submit to OJARS an analysis of cost sharing among state and local agencies.

12. *Application Requirements.*

a. *Preparation.* All applications must be prepared on Standard Form 424, Application for Federal Assistance with Attachment OJARS Form 4000/3 (Appendix 1), available from the Office of the Comptroller, OJARS.

b. *Content.* The following information must be included in the application to OJARS:

(1) *Budget narrative.* Applicants for grants must submit on separate sheets a budget narrative. The budget narrative should detail by budget category the Federal share. The purpose of the budget narrative is to relate items budgeted to project activities and to provide justification and explanation for budget items, including criteria and cost data used to arrive at the estimates for each budget category. The following information is provided to assist the applicant in developing the budget narrative.

(a) *Personnel Category.* List each position by title (and name of employee if available), show annual salary rate and percentage of time to be devoted to the project by the employee. Compensation paid for employees engaged in Federally assisted activities must be consistent with that paid for similar work in other activities of the applicant. For FY 1984 grant periods, a ceiling of $50,000 is set for the Project Director's salary.

(b) *Fringe Benefits Category.* Indicate each type of benefit included and the total cost allowable to employees assigned to the project.

(c) *Travel Category.* Itemize travel expenses of project personnel by purpose (e.g., staff to training site, advisory group meetings, etc.) and show basis of computation (e.g., "Five trips for 'x' purpose at $80 average cost, $50 transportation and two days per diem at $15" or "Six people to 3-day meeting at

$70 transportation and $45 subsistence".) In training activities where travel and subsistence for trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved. (See Para. 14.e, *Travel.*)

1. Identify the tentative location of all training sessions, meetings, and other travel whenever possible.

2. Applicants should consult such references at the Official Airline Guide and the Hotel and Motel Redbook in projecting travel costs to obtain competitive rates.

(d) *Equipment.* List each type of equipment to be purchased or rented with unit or monthly cost. (See Para. 14.d, *Equipment.*)

(e) *Supplies.* List items within this category by major type (office, supplies, training materials, postage, etc.) and show basis for computation. Provide unit or monthly estimates.

(f) *Contractual Category.* State the selection basis for any contract or subcontract or prospective contract or subcontract (including equipment).

1. For individuals to be reimbursed for personal services on a fee basis, list by name or type of consultant or service, the proposed fee (by day, week or hour), and the amount of time to be devoted to such services.

2. For other types of contracts indicate the type of services to be performed and the estimated contract cost data.

(g) *Construction Category.* Describe construction or renovation which will be accomplished using grant funds and the method used to calculate cost. Allowable costs will be limited to project site modifications.

(h) *Other Category.* Include under "other" such items as rent, reproduction, telephone, janitorial or security services and investigative expenses as defined in Para. 4, G 7100.5 (See Appendix 3.) List items by major type with basis of computation shown. (Provide square footage and cost per square foot for rent. Provide local and long distance telephone charges separately.)

(i) *Indirect Cost Category.* The Administration may accept any indirect cost rate previously approved for an applicant by a Federal agency. Applicants must enclose a copy of the approved rate agreement with the grant application.

(j) *Program Income.* If applicable, provide a detailed estimate of the amount of program income to be generated during the grant period and its proposed application (to reduce the costs of the project or to increase the scope of the project). Also, describe the potential source of program income. (Refer to Para. 42., OJARS M 7100.1B.)

(2) *Project Narrative.* Each applicant will present its project narrative in the following format, which will be used in lieu of the format reflected in page 11 of SF 424 (Appendix 1). For those applicants with approved FY 1983 base line applications, only modifications to the base line application must be submitted for FY 1984.

(a) Description of the problems and needs to be addressed by the project.

(b) Summary of past accomplishments since project inception and their relationship to previously identified goals and objectives.

(c) Description of types of files, as approved by the project's supervisory boards, that comprise the project's information sharing system, i.e., primary subject, associates, m.o., etc., and a description of the purpose of these files in relationship to the information-sharing system.

(d) Description of project goals and performance objectives to be achieved.

1. The project goals should be consistent with the program goal set forth in Para. 5 of this Guideline.

2. Performance objectives must describe quantifiable achievements to the extent possible for each goal and take into consideration each of the project components set forth in Para. 7.b. of this Guideline. Performance objectives must be observable and measurable.

(e) Description of project operations to include administrative decision-making structure (including organizational chart).

(f) Description of milestones/major achievements to be accomplished.

(g) Summary of all assessments, evaluations and/or audits, other than those initiated by the Department of Justice.

(h) List of member agencies.

(i) Description of project monitoring plan for ensuring member agency compliance with project constitution, bylaws, and operating procedures and member agency utilization of project services.

(3) *Supporting Document.* The following documents must append the application: Items (3) (a), (b), (c), and (g) must accompany the FY 1984 application. Items (3), (d), (e), and (f) must accompany the FY 1984 application if changes have been made since approval of the FY 83 base line application.

(a) A Current Equal Employment Opportunity Program (EEOP) which meets the requirements of 28 CFR 42.301, et seq. This requirement applies to applicant agencies that have fifty or more employees, which have received grants of $25,000 and which have a service population with a minority representation of 3% or more. (See Appendix 2.)

(b) A copy of a letter transmitting notification of project activities to state legislatures in those jurisdictions being serviced by the project. (See Para. 14.f, *Legislative Notification.*)

(c) Certifications signed by the appropriate authorities indicating:

1. Compliance with G 7100.5, Control and Use of Confidential Funds Under the RISS Program. (See Appendix 3.)

2. Compliance with 28 CFR Part 23. (See Appendix 4.)

3. State Criminal Justice Council (CJC) review, if CJC is serving as grantee.

(d) Constitution and/or bylaws adopted by the project.

(e) Procedures developed by the project for the administration of confidential funds if such funds are being requested in the application. (See Appendix 3.)

(f) Procedures developed by the project for the administration of the information system as required in 28 CFR Part 23. (See Para. 14 b. and Appendix 4.)

(g) All assessments, evaluations and/or audit reports, other than those initiated by the Department of Justice, describing project activities/income/expenditures/assets.

13. *Reports.* Reporting requirements for grants/projects awarded under the RISS Program are articulated in Chapter 2, M 7100.1B, Financial and Administrative Guide for Grants. The six regional information-sharing systems will use the quarterly narrative report format shown in Appendix 6.

14. *Special Requirements.*

a. *Confidential Funds.* Approval by the grantor agency is required for all grantees/subgrantees prior to the use of funds for confidential expenditures. Confidential expenditures are herein defined as funds used for purchase of services, purchase of evidence (physical), and purchase of information. (See Appendix 3, OJARS Guideline G 7100.5, "Control and Use of Confidential Funds Under the RISS Program.")

(1) Confidential expenditures will be considered in all grants funded under this program provided that the process and procedures to be utilized by individual projects are included as part of the grant application and comply with G 7100.5.

(2) A signed certification must be submitted by the Project Director that indicates he has read, understands, and agrees to abide by the conditions pertaining to confidential fund

expenditures set forth in OJARS Guideline 7100.5. For a sample of the required certification, refer to Appendix 3.

(3) Funds that are seized and revert to the project as a result of the use of confidential funds shall be deemed program income pursuant to OMB Circular A102 up to the total amount of confidential funds used under the grant. (Refer to Para. 42, OJARS M 7100.1C.)

(4) The budgeting for and use of confidential expenditures under this program is considered a support service to the primary objective of sharing information. These funds should only be allocated:

(a) When the particular merit of a case warrants the expenditure of these funds;

(b) To support multi-jurisdictional investigations in which two or more agencies are actively involved;

(c) Where the user agency agrees that information obtained which conforms to 28 CFR, Part 23, will be furnished to the project data base;

(d) When no other source of funds exists.

b. *Criminal Intelligence Systems Operating Policies* (28 CFR Part 23). All projects funded under the RISS program will be subject to the provisions of 28 Code of Federal Regulations (CFR) Part 23. "Criminal Intelligence Systems Operating Policies." (See Appendix 4.)

(1) Written procedures for individual project compliance with these "Operating Policies" must accompany each applicant for funding unless otherwise noted in Para. 12.b.(3). Specific application requirements for each of the Operating Policies of 28 CFR 23.20 are as follows:

(a) Application must describe the process by which information submitted is evaluated to ensure compliance with "reasonable suspicion of criminal activity" standard, and the information has not been obtained in violation of applicable Federal, state or local laws and ordinances (§ 23.20 (a), (b), (c)).

1. Description must define what constitutes "reasonable suspicion of criminal activity" as a predicate for collecting, maintaining, and entering information (§ 23.20(a)).

2. Description must explain system of controls to ensure that no information is entered that violates applicable Federal, state or local laws and ordinances (§ 23.20(a)).

(b) Application must describe the procedures by which incoming information is received, processed, and stored (§ 23.20(f)).

1. Procedures must indicate date of receipt (for purge purposes), the identity of submitting agency and the assignment of levels of sensitivity and confidence of the information (§ 23.20(f)).

2. Descriptions must discuss administrative, technical and physical safeguards (including audit trails) to ensure against unauthorized access and against intentional or unintentional damage (§ 23.20(f)).

(c) Application must describe the process by which information is disseminated (§ 23.20 (d), (e), (f)).

1. Description must discuss procedures for ensuring that access to the information is based on the "need to know/right to know the data in the performance of a law enforcement activity" (§ 23.20(d)).

2. Description must discuss process used to ensure that information is disseminated only to other law enforcement authorities who agree to follow procedures regarding data entry, maintenance, security, and dissemination that are consistent with 28 CFR 23.20. Sample certification forms should be attached (§ 23.20(c)(l)).

(d) Application must describe procedures used to ensure that all information retained has relevancy and importance (§ 23.20(g)).

1. Description must explain how information is screened for relevancy and to ensure that it is not misleading, obsolete, or otherwise unreliable (§ 23.20(g)).

2. Description must discuss purging process and how reviewed material is annotated to reflect name of reviewer, date of review and explanation as to decision to retain. Any information that has been in the system but has not been reviewed for a period of two years must be reviewed and validated before it can be utilized or disseminated (§ 23.20(g)).

3. Description must discuss how any recipient agencies are notified that information has been changed or purged (§ 23.20(g)).

(e) Application must describe sanctions to be used to control unauthorized access, utilization, or disclosure of information contained in the system (§ 23.20(l)).

(2) The Criminal Intelligence Systems and Operating Policies Review Board and/or the OJARS Program Manager will perform onsite visits during the project period to assess compliance with the Operating Policies.

(3) Noncompliance with Operating Policies is sufficient justification for project termination. Project activities determined to be noncompliant will be formally communicated to the grantee for redress. If the issues of noncompliance are not satisfactorily resolved by the established deadline date, OJARS may suspend all or part of the grant. If the issues still remain unresolved past the deadline date attached to the suspension action, OJARS may notify the grantee of an intent to terminate the grant. The grantee will have up to ten (10) working days from the date of the notice to file a written request for a compliance hearing pursuant to 28 CFR Part 18. If no request for a hearing is received by OJARS, the grant will be terminated.

(4) The following Special Conditions will be added to each award:

(a) Grantee agrees to be in compliance with the Criminal Intelligence Systems Operating Policies (28 CFR Part 23). Compliance will include all certifications required by § 23.20(a) (1)–(4) of these policies. The Criminal Intelligence Systems and Operating Policies Review Board, or its individual or group designees, may visit the project in order to determine compliance with these policies.

(b) Grantee/subgrantee agree that if automated equipment for use in connection with a criminal intelligence system is to be obtained with grant funds, then:

1. Direct remove terminal access to data shall not be made available to system users; and,

2. No modifications to system design shall be undertaken without prior OJARS' approval (§ 23.20(h)).

(c) OJARS shall be notified prior to initiation of formal information exchange procedures with any Federal, state, regional, or other information system not indicated in the grant documents as initially approved at time of award (§ 23.20(i)).

(d) Grantee/subgrantee agree that no electronic, mechanical, or other device for surveillance purposes will be purchased, rented, or used in the course of this project that is in violation of the provisions of Title III of Pub. L. 90.351, as amended, or any applicable state statute related to wiretapping and surveillance (§ 23.20(j)).

(e) Grantee/subgrantee agree that there shall be no harassment or interference with any lawful political activities as part of the intelligence system operation (§ 23.20(k)).

c. *Project Personnel.* Project personnel are defined as project employees (either direct or by formal contract) whose job function is to directly support the project operations. For the purpose of this Guideline, Project personnel are generally discussed under the categories Project Management, Headquarters Staff, and Field Personnel. All project positions must be supported by documented position descriptions. Prior to final selection, all project staff must

undergo a background investigation to be established by each project.

(l) *Project Management.* Project Management includes, the Project Director, Deputy Director, and/or Division Heads. These positions are considered "key" to the successful implementation of the project. Accordingly, project personnel hired for these positions are subject to the approval of the grantor agency. Project Management personnel must be civilian personnel.

(a) The Project Director's position must be filled via a documented competitive recruitment process. The selection of an individual to fill this position must be made, subject to the final approval of the grantor agency, by the Project Oversight Group, i.e., Policy Board, Executive Committee, Supervisory Board, etc., For the FY 1984 grant award period, the salary level for the Project Director position may not exceed $50,000 per annum.

(b) The Deputy Director and Division Heads must also be filled by competitive recruitment. The appointing authority, again subject to final approval by the grantor agency, should be the Project Director.

(2) *Headquarters Staff.* Headquarters staff includes all project staff employed to perform the function and activities of the project headquarters. Headquarters staff should be hired by the Project Director, and must possess the background and experience necessary to accomplish assigned tasks and functions. All headquarters staff must be under the direct operational and supervisory control of Project Management.

(3) *Field Personnel.* Field personnel are defined as project employees (either direct or by formal contract) whose job function is to provide liaison services between the project and member agencies and who generally represent the project interests in assigned States throughout the serivce area. All Field Personnel must be under the direct operational and supervisory control of Project Management.

(a) It is the policy of OJARS to allow the funding and utilization of field personnel provided that their activities are confined to liaison with and support of member agencies. Authorized liaison and support activities include:

1. Facilitation of project service delivery to member agencies;

2. Provision of fixed site technical assistance to member agencies;

3. Consultation and advice to member agencies completion of required reports and evaluations;

4. Recruitment of new member agencies and liaison with existing members; and,

5. Provision of training to law enforcement and prosecutorial agencies in project related law enforcement practices and techniques.

(b) It is the policy of OJARS to prohibit the involvement of field personnel in operational or investigative functions normally associated with the duties of a sworn law enforcement officer. These prohibited function include:

1. Handling informants (including paying informants; briefing or debriefing informants);

2. Participation in any fixed or mobile surveillance (including providing fixed or mobile radio coordination);

3. Participation in any other investigative activity, including collection of new intelligence from overt or covert sources, purchase of evidence, and undercover operations;

4. Use of or carrying any firearm or other dangerous weapon while in the performance of project duties; and,

5. Input of information to or dissemination of information from the project's information system.

(c) Each project that utilizes field personnel must develop and submit to OJARS procedures that govern the use of and supervisory controls over its field personnel. These procedures must include:

1. Specific job descriptions against which field personnel activities can be compared. These job descriptions must include:

a. Duties;

b. Supervisory Controls;

c. Scope and Effect; and,

d. Work Environment.

2. A system of supervisory controls including documented reporting requirements, maintenance of time and attendance records, and a performance appraisal system that is designed to manage and account for the activities and time of field personnel.

d. *Equipment.* Purchase or lease of equipment that specifically relates to the achievement of the project goals and objectives and which directly supports the operation of the Information Sharing component, including repairs which materially increase its useful life, is an allowable expenditure of grant funds. The need for an acquisition of equipment in general is governed by the provisions of Instruction 4062.7, "Standards for Equipment to be Required with LEAA Grant Funds." (See Appendix 5.) The following further defines equipment acquisition and usage as it applies to the RISS Program.

(1) All equipment purchases must receive the prior approval of OJARS. Prior approval may be obtained either through inclusion in the grant application, or, subsequently, by a prior written request.

(2) Each application must contain a certification governing the acquisition of equipment. (See Appendix 5.)

(3) No electronic, mechanical, or other device may be purchased, rented, or used in the course of the project that is in violation of Title III, Pub. L. 90-351, as amended, and applicable state statutes related to wiretapping and surveillance.

(4) Helicopters and airplanes may not be purchased with grant funds. However, the rental of such equipment is allowable on an as needed basis provided that such rental is included as a line item in the approved grant application and is confined to ongoing investigations being performed by member agencies.

(5) Each project that opts to adopt the Equipment Component must have documented procedures to procure, account for (inventory), loan, and retrieve equipment.

(e) *Travel.* Travel must be categorized and described as either administrative or investigative. Administrative travel should be budgeted within the "Travel" category and is defined as travel performed by project employees or advisory board members to attend or participate in meetings, conferences, training, etc., receive or provide technical assistance, or to perform liaison services to other projects or member agencies. Investigative travel should be budgeted within the "Other" category and is defined as travel performed by member agencies in the furtherance of ongoing investigations being supported by the project.

(1) Each project must develop and submit to OJARS internal travel procedures that:

(a) Document the project's official travel policies;

(b) Define the travel request, approval and voucher process;

(c) Explain the system of advances and reimbursements; and

(d) Describe the documentation necessary for approval and payment of travel vouchers.

(2) Grantees will follow their own established travel policies. If a grantee does not have established travel rates, the grantee must abide by the Federal travel regulations.

(3) Subgrantees will follow their own established travel rates. If a subgrantee does not have an established travel rate, then:

(a) The subgrantee may follow the grantee-established travel policies, or,

(b) The subgrantee may abide by the Federal travel regulations.

(4) Management attitudes towards travel should be designed to minimize travel costs and eliminate nonessential travel. The following guidance should be observed by project management:

(a) *Use alternatives.* Travel should be permitted only when the matter cannot be handled via conference call or other mode of communication.

(b) *Limit numer of persons traveling.* Only the minimum number of persons necessary to accomplish the purpose of the trip should be authorized to travel.

(c) *Conference travel should be limited.* Travel to conferences, seminars and meetings should be limited to those which directly further project goals and objectives. Whenever possible, limit attendance to a single individual who would then be responsible for summarizing and reporting results to other staff members.

(d) *Examine location of meetings/conferences.* Carefully consider cost benefits for all attendances prior to selecting sites for meetings or conferences.

(e) *Utilize local training courses.* Whenever possible, local training courses should be used to minimize travel costs.

(f) *Minimize duration of trips.* Trips should be as short as possible to accomplish their official purpose.

(g) *Consolidate trips.* To the extent possible, travel should be performed for more than a single purpose and visits to more than one location made in a series without returning to the official duty station.

(h) *Assess alternate modes of common carriers.* Consider all costs associated with different types of common carriers. This is especially true in the Northeast corridor where train service may provide the most cost beneficial method of travel.

(i) Use special fares. Utilize special excursion fares or other discount fares whenever possible.

(5) All non-investigative, out-of-region travel must receive the written prior approval of OJARS on a trip-by-trip basis. The request for approval of each trip must provide specific information concerning the purpose of travel, and a certification that sufficient funds exist within the travel category of the approved project budget to accommodate the requested travel.

f. *Legislative Notification.* The State legislature in each State included in a RISS project must be notified that a RISS project is operating within its boundaries. Notification may be either directly to the legislature or to a body designated to act while the legislature is not in session. Each project, therefore, must provide evidence that the requisite notification has occurred. Evidence may take the form of a sample letter of notification to be included in the grant application. Copies of all letters of notification and any responses thereto must be kept in file at the project headquarters.

(g) *Intergovernmental Review of Federal Programs.* On July 14, 1982, the President signed Executive Order 12372, "Intergovernmental Review of Federal Programs," to provide State and local governments increased and more effective opportunities to influence Federal actions affecting their jurisdictions. Final regulations (28 CFR Part 30) implementing the Order for the Department of Justice were published in the **Federal Register** on June 24, 1983 (48 FR 29238). The Order and the regulations, which became effective September 30, 1983, permit States to establish a state process for the review of Federal programs and activities, to select which programs (from a previously published list) they wish to review, to review proposed Federal programs and activities, and to make their views known to the Department through a State "single point of contact" (SPOC). The Order and the implementing regulations revoke the former A–95 clearance process.

Applicants for this program must submit a copy of their application to the applicant agency State "Single Point of Contact," if one has been established and if the State has selected this program to be covered in its review process. Applications must be submitted to the SPOC for review and comment at the same time they are submitted to OJARS. Under the regulations, the State process has up to thirty (30) days to review and comment.

h. *Prohibition Against Lobbying.* All activities under the grant, including oral and written grantee or subgrantee actions and direct or indirect congressional contact, shall be made in accordance with the anti-lobbying provision of the LEAA Financial and Administrative Guide for Grants (OJARS M7100.1B, Chapter 5, Para. 75, October 2, 1980) as interpreted by OJARS Office of General Counsel Legal Opinions Nos. 74–1,75–45, and 77–30.

Lois Haight Herrington,

Assistant Attorney General.

[FR Doc. 84–15844 Filed 6–12–84; 8:45 am]

BILLING CODE 4410–18–M

LEGAL SERVICES CORPORATION

Grant Awards for Expansion and Development of Law School Civil Clinical Programs

AGENCY: Legal Services Corporation.

ACTION: Announcement of grant awards.

SUMMARY: The Legal Services Corporation (LSC) announces the award of grants for the expansion and development of Law School Civil Clinical programs to assist LSC-eligible clients with their civil legal cases. Pursuant to the Corporation's annoucement of funding availability in Volume 49, No. 54, page 10204 of the **Federal Register** of March 19, 1984, a total of $700,000 will be awarded to the following nine schools:

1. Vermont Law School—$70,000.
2. University of Virginia—$95,000.
3. Loyola University, New Orleans—$90,000.
4. Indiana University-Indianapolis—$90,000.
5. Southern Methodist University—$70,000.
6. St. Mary's University—$90,000.
7. University of North Dakota—$60,000.
8. William Mitchell School of Law—$70,000.
9. University of the Pacific McGeorge School of Law—$65,000.

Each grant will be for a term of eighteen months. As a research project, these grants are awarded pursuant to authority conferred by sections 1006(a)(1)(B) and 1006(a)(3)(A) of the Legal Services Corporation Act of 1974, as amended. This public notice is issued pursuant to section 1007(F) of this Act, with a request for comments and recommendations within a period of thirty (30) days from date of publication of this notice. Grant awards will not become effective and grant funds will not be distributed prior to expiration of this thirty-day period.

DATE: All comments and recommendations must be received by the Office of Program Development of the Legal Services Corporation within thirty (30) calendar days of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Charles T. Moses III, Legal Services Corporation, Office of Program Development, 733 Fifteenth Street, NW., Washington, D.C. 20005, (202) 272–4340.

SUPPLEMENTARY INFORMATION: The purpose of this research project is to determine the ability of law school clinics to augment existing direct service delivery provided by current LSC grantees. By helping to develop and

expand law school clinics, the Corporation would thereby also educate law students to the problems of poor persons. These clinics will encourage future lawyers to become interested in the provision of legal services to poor persons, acting either as legal aid attorneys or through *pro bono* or reduced fee efforts as members of the private bar. Another goal of the project is to increase the cooperation between established law schools and all segments of the legal community.

The project is designed to provide monetary assistance for expansion and development of law school clinical programs to assist LSC-eligible clients. This expansion could include increasing the number of supervising attorneys and participating students, developing new areas of clinical coverage or providing legal services to LSC-eligible clients who are not otherwise receiving legal assistance.

Peter P. Broccoletti,

Director, Office of Program Development

[FR Doc. 84-15879 Filed 6-12-84; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289]

General Public Utilities Nuclear Corp., et al. (Three Mile Island Nuclear Station, Unit No. 1); Exemption

I

The General Public Utilities Nuclear Corporation (the licensee), and three other co-owners are the holders of Facility Operating License No. DPR-50, which authorizes the operation of Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania.

The license is subject to all rules and regulations of the Nuclear Regulatory Commission (the Commission).

II

10 CFR 50.48, "Fire Protection," and Appendix R to 10 CFR Part 50, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979" set forth certain specific fire protection features required to satisfy the General Design Criterion related to fire protection (Criterion 3, Appendix A to 10 CFR Part 50).

Section III.G of Appendix R requires fire protection for equipment important to safe shutdown. Such fire protection is achieved by various combinations of fire barriers, fire suppression systems, fire detectors, and separation of safety trains (III.G.2) or alternate safe shutdown equipment free of the fire area (III.G.3). The objective of this protection is to assure that one train of equipment needed for hot shutdown would be undamaged by fire, and that systems needed for cold shutdown could be repaired within 72 hours (III.G.1).

III

By letter dated July 1, 1982, the licensee requested exemptions from the technical requirements of Section III.G.2 of Appendix R to 10 CFR Part 50 for various areas of the facility. By letters dated December 2, 1982, and April 8, 1983, the licensee provided additional information regarding the exemption requests, modified certain of the requests, and withdrew one request. The remaining requested exemptions and the Commission's decision on each one are noted below.

1. III.G.2; Reactor Building Outside Secondary Shield, North; Exemption requested from requirement to install noncombustible radiant energy shield. *Granted.*
2. III.G.2; Heat Exchanger Vault; Exemption requested from requirement for physical separation and/or a fire suppression system. *Granted.*
3. III.G.2; Valve Gallery; Exemption requested from the requirement for an automatic fire suppression system. *Granted.*
4. III.G.2; Engineered Safeguards Motor Center B; Exemption requested from the requirement for an automatic fire suppression system. *Granted.*
5. III.G.2; Penetration Area; Exemption requested from the requirement for one-hour fire rated barriers. *Granted.*
6. III.G.2; IR Switchgear Area; Exemption requested from the requirement for one-hour fire rated barriers. *Granted.*
7. III.G.2; IT Switchgear Area; Exemption requested from the requirement for one-hour fire rated barriers. *Granted.*
8. III.G.2; Control Building Health Physics and Lab Area; Exemption requested from the requirement for an automatic fire suppression system. *Granted.*
9. III.G.2; General Area—Elevation 281 Feet; Exemption requested from the requirement for an automatic fire suppression system and an area-wide fire detection system. *Granted.*
10. III.G.2; Demineralizers and Motor Control Center A; Exemption requested from the requirement for a one-hour fire rated barrier and an automatic fire suppression system. *Granted.*
11. III.G.2; Valve Gallery and Penetration Room; Exemption requested from the requirement for a one-hour fire rated barrier and an automatic fire suppression system. *Granted.*
12. III.G.2; Motor driven Emergency Feedwater Pump Area; Exemption requested from the requirement for a one-hour fire rated barrier and an automatic fire suppression system. *Granted.*
13. III.G.2; Decay Heat Removal and Nuclear Service Closed Cycle Cooling Pump Area; Exemption requested from the requirement for a one-hour fire rated barrier and an automatic fire suppression system. *Granted.*

Additional discussion and evaluation of each exemption request is contained in the NRC staff's Safety evaluation (SE) which is printed in its entirety below.

The above exemptions are contingent upon the licensee's maintenance of administrative control of transient combustibles which are equivalent to those specified in Section III.K.1 through III.K.8 of Appendix R to 10 CFR Part 50 and any characterization of transient combustibles or design features which are specifically discussed in the NRC staff's SE.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemptions requested by the licensee's letters as referenced and discussed in III. above are authorized by law, will not endanger life or property or the common defense and security, are otherwise in the public interest, and are hereby granted.

The Commission has determined that the granting of these exemptions will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be perpared in connection with this action.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 4th day of June 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Safety Evaluation by the Office of Nuclear Reactor Regulation Related to Exemption From 10 CFR Part 50, Appendix R

Metropolitan Edison Co., Jersey Central Power and Light Co., Pennsylvania Electric Co., GPU Nuclear Corp., Three Mile Island Nuclear Station, Unit No. 1

[Docket No. 50-289]

1.0 *Introduction.*

By letter dated July 1, 1982, the licensee submitted a revised fire hazards analysis which included an evaluation of all TMI-1 fire areas/zones for compliance with Section III of Appendix R to 10 CFR Part 50, which included 14 exemptions to the technical requirements of Section III.G. In meetings with the licensee on November 5, 1984 and March 15, 1983 and by letters dated December 2, 1982 and April 8, 1983, we received additional information and commitments for supplemental fire protection. In the April 8, 1983 letter, the licensee committed, among other things, to comply with Appendix R in the 4160V switchgear room, which was the subject of one of the original 14 exemptions. The exemption request was therefore withdrawn. Our evaluation of the remaining 13 exemptions follows.

Section III.G.2 of Appendix R requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

(1) Separation of cables and equipment and associated non-safety circuits or redundant trains by a fire barrier having a three-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

(2) Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

(3) Enclosure of cable and equipment and associated non-safety circuits of one redundant train in a fire barrier having a one-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

If these conditions are not met, Section III.G.3 requires an alternative shutdown capability independent of the fire area of concern. It also requires a fixed suppression system to be installed in the fire area of concern if it contains a large concentration of cables or other combustibles. These alternative requirements are not deemed to be equivalent; however, they provide equivalent protection for those configurations in which they are accepted.

Because it is not possible to predict the specific conditions under which fires may occur and propagate, the design basis protective features are specified in the rule rather than the design basis fire. Plant specific features may require protection different from the measures specified in Section III.G. In such a case, the licensee must demonstrate, by means of a detailed fire hazards analysis, that existing protection in conjunction with proposed modifications will provide a level of safety equivalent to the technical requirements of Section III.G of Appendix R.

In summary, Section III.G is related to fire protection features for ensuring that systems and associated circuits used to achieve and maintain safe shutdown are free of fire damage. Fire protection configurations must either meet the specific requirements of Section III.G or an alternative fire protection configuration must be justified by a fire hazards analysis.

Our general criteria for accepting an alternative fire protection configuration are the following:

- The alternative assures that one train of equipment necessary to achieve hot shutdown from either the control room or emergency control stations is free of fire damage.
- The alternative assures that fire damage to at least one train of equipment necessary to achieve cold shutdown is limited such that it can be repaired within a reasonable time (minor repairs with components stored on-site).
- Modifications required to meet Section III.G would not enhance fire protection safety above that provided by either existing or proposed alternatives.
- Modifications required to meet Section III.G would be detrimental to overall facility safety.

2.0 *Reactor Building Outside Secondary Shield, North (Zone RB-FZ-1a).*

2.1 *Exemption Requested.*

The licensee requested an exemption from Section III.G.2 to the extent that it requires the installation of a noncombustible radiant energy shield to protect redundant trains of safe shutdown related cable and equipment.

2.2 *Discussion.*

The area is enclosed on three sides by walls constructed of reinforced concrete. The fourth side is open, in part, to adjoining Zones RB-FZ-1b and RB-FZ-1c. The floor and ceiling are of reinforced concrete and steel grating.

The safe shutdown equipment located in this zone consists of three redundant reactor building emergency cooling units and related cabling, one of which is necessary for safe shutdown.

The combustible materials present in the area consist of cable insulation and lube oil which represents a total fire load of 6,264 Btu/ft^2.

Existing fire protection consists of a smoke detection system, portable fire extinguishers and manual hose stations.

The licensee proposes to completely separate one train of shutdown-related cabling from its redundant counterparts by a noncombustible radiant energy shield per Section III.G.2.f. The licensee states, however, that such a barrier is not necessary between the cooling units.

The licensee's justification for the exemption was based on the low fuel load which, if ignited, would not result in a fire of significant magnitude to damage all three of the emergency cooling units.

2.3 *Evaluation.*

The technical requirements of Appendix R are not met because of the lack of a noncombustible radiant energy shield between the cooling units. The three units are positioned, in line, such that the minimum separation between the end units is more than 40 feet. The "B" cooling unit is located between the end units "A" and "C" and, therefore, would shield either end unit from a potential exposure fire involving the other end unit.

A fire, if one should occur, would involve the combustible cable insulation and lube oil. The fuel load in the zone, if totally consumed, corresponds to a fire severity on the ASTM E-119 time-temperature curve of between five and six minutes. A fire of this duration would not occur because of the protection afforded by other features of the plant fire protection program, such as fixed and portable fire protection systems and equipment, and the actions by the fire brigade and operating technicians.

It is our opinion that because of the low fire loading, a fire in this zone would be of limited severity, duration and extent.

Considering the distance between the three units and the worst fire location being between an end unit and the middle unit, fire damage should be limited to, at most, those two units. Convective heat and smoke would rise

and be dissipated throughout the large ceiling area. Radiant heat and direct flame impingement would be shielded by the "B" unit. It is our judgment, therefore, in consideration of the equipment configuration (as described above), the existing fire protection and proposed modifications, and the nature of fires in power plants, that a fire in this zone would not result in damage to more than two of the three reactor building emergency cooling units.

2.4 *Conclusion.*

Based on our evaluation, we conclude that with the proposed modifications, the licensee's fire protection program will provide reasonable assurance that one safe shutdown division will be free of fire damage and will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore, the licensee's request for exemption for the Reactor Building Outside Secondary Shield, North (Zone RB–FZ–1a), should be granted.

3.0 *Heat Exchanger Vault (Fire Zone AB–FZ–1).*

3.1 *Exemption Requested.*

The licensee requested an exemption from Section III.G.2 to the extent that it requires physical separation and/or the installation of a fire suppression system.

3.2 *Discussion.*

The area is enclosed with walls, floor and ceiling of reinforced concrete construction. Safe-shutdown equipment located in the zone consists of 11 motor-operated valves and related cabling, associated with the nuclear service river water.

The combustible materials present in the area consist of cable insulation and transient materials which represent a fire load of 2,400 BTU/ft^2

Existing fire protection consists of a portable fire extinguisher and a manual hose station. By letter dated April 8, 1983, the licensee proposed to install a localized smoke detection system to provide an early fire warning capability in the area where cable for redundant shutdown systems is vulnerable to fire damage.

The licensee's justification for the exemption is based on the limited fire loading in the room which, if ignited, would not result in a fire of significant magnitude. If a fire should occur, sufficient time exists to manually operate the valves to achieve safe shutdown.

3.3 *Evaluation.*

The technical requirements of Section III.G are not met because the safety related valves and the electrical circuits to them are not protected by a one-hour fire rated barrier. In addition, the fire zone is not equipped with area-wide fire detection and fire suppression systems.

The licensee stated in the July 1, 1982 submittal that in the event a fire occurred in this area and damaged the shutdown-related cable, at least one hour would be available to manually operate the valves to achieve safe shutdown conditions. We agree with this assessment.

The smoke detection system that the licensee proposes to install in the area will provide reasonable assurance that the fire will be discovered before it results in significant damage. Although there will be an anticipated time delay of between 15 minutes and a half hour until the fire brigade arrives, sufficient time will still remain after fire extinguishment to restore flow paths, if necessary.

Because of the limited fire hazards in the zone, the available fire protection and the training of the plant fire brigade, any postulated fire in this area will not be beyond the capabilities of the brigade to extinguish within a short time span.

3.4 *Conclusion.*

Based on our evaluation, we conclude that the licensee's proposed modifications and existing fire protection will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore, the licensee's request for exemption for the Heat Exchanger Vault (Zone AB–FZ–1) should be granted.

4.0.1 *Valve Gallery (Fire Zone AB–FZ–3).*

4.0.2. *Engineered Safeguards Motor Center B (Fire Zone AB–FZ–6a).*

4.1 *Exemption Requested.*

The licensee requested exemptions from Section III.G.2 to the extent that it requires the installation of an automatic fire suppression system.

4.2.1 *Discussion* (Zone AB–FZ–3).

The area is enclosed on three sides by walls constructed of reinforced concrete. The fourth side is open to another fire zone. The floor and ceiling are of reinforced concrete construction.

Safe shutdown equipment which is located in this room consists of redundant electrical circuits associated with makeup and purification.

The combustible materials present in the zone include cable insulation and represent a total fire load of 4,581 BTU/ft^2.

Existing fire protection consists of a fire detection system, manual hose stations and portable fire extinguishers.

The licensee proposes to protect the safety-related cabling with a one-hour fire rated barrier.

4.2.2 *Discussion* (Zone AB–FZ–6a).

The area is enclosed on three sides by walls constructed of reinforced concrete. The fourth side is open to another fire zone. The floor and ceiling are of reinforced concrete.

Safe shutdown equipment located in the zone consists of the engineered safeguards motor control center 1B. Its redundant counterpart is located in the adjoining fire zone.

The combustible materials present in the zone include cable insulation and transient material and represent a fire load of 54,448 BTU/ft^2.

Existing fire protection consists of a fire detection system, manual hose stations and portable fire extinguishers.

The licensee proposes to erect a one-hour fire rated barrier to separate the redundant motor control center.

The licensee justifies the exemptions for both areas on the basis that the low fuel load will limit the severity of a fire in the zones. This, coupled with the existing fire protection and proposed one-hour fire barrier, will provide assurance that one train of equipment necessary for safe shutdown will be free of fire damage.

4.3 *Evaluation.*

The technical requirements of Section III.G are not met in these zones due to the absence of area-wide fire suppression systems.

The fire protection requirements of Appendix R represent an agregate, comprise of active and passive components. In these zones, the licensee has provided active protection in the form of complete smoke detection systems which will provide reasonable assurance of early fire awareness and response by the plant fire brigade and operating technicians. Passive protection is achieved by the erection of complete one-hour fire rated barriers betwen redundant safety divisions.

The fuel load in these zones is low to moderate. If totally consumed, the combustible materials would produce a fire which corresponds to a fire severity on the ASTM E–119 time-temperature curve of less than 5 minutes and 40 minutes, respectively. A fire of this duration would not occur because of the fire protection afforded by other features of the plant fire protection program.

It is our judgment that a fire, if one should occur, would not be of significant magnitude and duration and would not breach the protection provided by the one-hour fire barriers before the fire self extinguished or was put out by the plant fire brigade.

4.4 *Conclusion.*

Based on our evaluation, we conclude that the licensee's alternate fire protection configuration will provide reasonable assurance that one safe shutdown division will be free of fire

damage and will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore, the licensee's requests for exemptions for the Valve Gallery (Zone AB–FZ–3) and the Engineered Safeguards Motor Center B (Zone AB–FZ–6a) should be granted.

5.0.1 *Penetration Area* (Zone AB–FZ–4).

5.0.2 *IR Switchgear Area* (Zone ISPH–FZ–1).

5.0.3 *IT Switchgear Area* (Zone ISPH–FZ–2).

5.1 *Exemption Requested.*

The licensee requested exemptions from Section III.G.2 to the extent that it requires the installation of a one-hour fire rated barrier.

5.2.1 *Discussion* (Zone AB–FZ–4).

The area is bounded on one side and part of another by walls constructed of reinforced concrete. The remaining sides are open to adjoining fire zones. The area is also open, via an unprotected stairway, with a vertically adjoining fire zone.

Safe shutdown equipment which is located within the zone consists of redundant decay heat removal and makeup and purification valves, along with safety-related cable and instrumentation.

The combustible materials present in the zone include cable insulation and transient material which represent a total fire load of 52,822 BTU/ft².

Existing fire protection consists of a deluge-type, water spray fire suppression system which, by letter dated April 8, 1983, the licensee proposes to convert from automatic to manual activation; a fire detection system; manual hose station and portable fire extinguishers. The licensee proposes to protect the electrical cables in the zone for safety-related equipment, excluding the valves and the associated cable, with a one-hour fire rated barrier.

5.2.2 *Discussion* (Zone ISPH–FZ–1).

The area is enclosed by walls, floor, and ceiling of reinforced concrete. Safe shutdown equipment which is located within the zone consists of redundant safety-related cable, the 480V 1A motor control center and 1R switchgear, decay heat river water pump A, nuclear services river water pump C, reactor building emergency cooling pump B, and six safety-related valves associated with nuclear service river water, decay heat river water and reactor building emergency cooling river water.

The combustible materials present in the zone include lube oil, cable insulation, and transient materials and represent a fire load of 15,854 BTU/ft².

Existing fire protection consists of an automatic wet pipe sprinkler system, manual hose station and portable fire extinguishers.

The licensee proposes the following modifications: (1) A complete areawide fire detection system; (2) a one-hour fire rated barrier to protect all safety-related cable in the zone except for the valves and associated cables; (3) repowering the "C" train nuclear services river water pump, and (4) a three-hour rated fire door in the wall between this zone and ISPH–FZ–2.

5.2.3 *Discussion* (Zone ISPH–FZ–2).

The area is enclosed by walls, floor and ceiling of reinforced concrete. Safe shutdown equipment which is located within the zone consists of redundant safety-related cable, the 480V 1B motor control center and IT switchgear, decay heat river water pumb B, nuclear servics river water pumps A & B, reactor building emergency cooling pump A and flow safety-related valves associated with nuclear service river water, decay heat river water and reactor building emergency cooling river water.

The combustible materials present in the zone include lube oil, cable insulation and transient mateial and represent a fire load of 16,020 BTU/ft².

Existing fire protection consists of an automatic wet pipe sprinkler system, manual hose station and portable fire extinguishers.

The licensee proposes the following modifications: (1) A complete area-wide fire detection system will be installed, (2) a one-hour fire rated barrier will be installed to protect safety-related cable, except for the valves and the associated cable, (3) the "A" train nuclear services river water pump will be repowered and (4) the installation of a three hour fire rated door in the wall separating this zone from ISPH–FZ–1.

The licensee justifies the exemptions on the basis that, although the circuits to the subject valves will be damaged in a fire, the valves themselves will not, and sufficient time exists for operating technicians to operate the valves manually to achieve safe shutdown.

5.3 *Evaluation.*

For all three areas, the technical requirements of Section III.G are not met because of the absence of a one-hour fire rated barrier to protect shutdown-related valves and their associated cabling. In addition, the Penetration Area will no longer be protected by an automatic fire suppression system.

Active fire protection for these areas will consist of a complete smoke detection system which provides reasonable assurance of early fire awareness and response by operating personnel and the plant brigade. Additional protection for the switchgear areas consists of automatic fire suppression systems which will prevent any fire from reaching significant levels before being extinguished. Due to the concern for damage resulting from inadvertent actuation of the deluge system in the penetration area, the system will be converted to manual actuation. This modification will not significantly lower the level of safety because the system can still be manually activated in sufficient time to prevent serious damage, and is therefore acceptable.

Passive protection for the valves and related circuits, by either a one-hour rated barrier or 20 feet separation without intervening combustibles, will not be provided. Nevertheless, the licensee has demonstrated that at least two hours are available after a fire to manually operate the valves to achieve safe shutdown. It is our judgment, based on the proposed modifications, the limited fuel load and existing fire protection, that a fire, if one should occur in these areas, will not prevent re-entry into the room and access to the valves for more than one hour.

A sufficient time buffer exists, therefore, to enable the flow paths to be reestablished, if necessary, by operating personnel so as to achieve safe shutdown.

5.4 *Conclusion.*

Based on our evaluation, we conclude that the licensee's alternate fire protection configuration will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore, the licensee's request for exemption for the following areas should be granted:

Penetration Area,
IR Switchgear Area,
IT Switchgear Area.

6.0 *Control Building Health Physics and Lab Area* (Zone CB–FA–1).

6.1 *Exemption Requested.*

The licensee requested an exemption from Section III.G.2 to the extent that it requires the installation of an automatic fire suppression system.

6.2 *Discussion.*

The area is bounded by walls, floor, and ceiling of reinforced concrete construction. Safe shutdown components located within this zone consist of electrical circuits for both divisions located above the suspended ceiling.

The combustible materials present in the zone include cable insulation as well as stored and transient materials, and represent a fire load of 52,578 BTU/ft².

Existing fire protection consists of an automatic wet pipe sprinkler system,

located below the suspended ceiling, and portable fire extinguishers.

The licensee proposes to install a smoke detection system above the suspended ceiling and to protect one train of the safety-related circuits in a one-hour fire rated barrier.

The licensee states that the one-hour barrier, coupled with the proposed fire detection system and existing fire protection, is sufficient to achieve an acceptable level of safety without the installation of a fire suppression system above the suspended ceiling.

6.3 *Evaluation.*

The technical requirements of Section III.G are not met because of the absence of a fire suppression system to protect the redundant safety circuits above the suspended ceiling.

In this area, the licensee has provided active fire protection in the form of a complete smoke detection system above the ceiling. This will provide reasonable assurance of early fire awareness and response by operating technicians and the plant fire brigade. Additional protection is afforded by the sprinkler system below the ceiling. Passive protection is achieved by the installation of a rated fire barrier to protect one train of the safe shutdown circuits.

The fire loading in the zone is moderate. If all combustibles were totally consumed, they would produce a fire which corresponds to a fire severity on the ASTM time-temperature curve of less than 40 minutes. A fire of this duration would not occur because of the protection afforded by other existing and proposed features of the fire protection program.

It is our judgment that a fire, if one should occur, would not be of significant magnitude and duration and would not breach the protection provided by the one-hour fire barrier before the fire self extinguished or was put out by the plant fire brigade or the sprinkler system.

6.4 *Conclusion.*

Based on our evaluation, we conclude that the licensee's alternate fire protection configuration will provide reasonable assurance that one safe shutdown division will be free of fire damage and will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore, the licensee's request for exemption for the Control Building Health Physics and Lab Area (Zone CB–FA–1) should be granted.

7.0 *General Area—Elevation 281 Feet* (Zone AB–FZ–5).

7.1 *Exemption Requested.*

The licensee requested an exemption from Section III.G.2 to the extent that it requires the installation of an automatic fire suppression system and an area-wide fire detection system.

7.2 *Discussion.*

The area is bounded on three sides by walls constructed of reinforced concrete. The fourth side is open to another zone. Floor and ceiling are of reinforced concrete. Safe shutdown equipment which is located in this zone consists of redundant safety-related electrical circuits.

The combustible materials present in the zone include pump lube oil, cable isulation and transient material and represent a fire load of 20,062 BTU/ft^2.

Existing fire protection consists of manual hose stations and portable fire extinguishers.

By letter dated April 8, 1982, the licensee proposed to install a localized fire detection system to provide an early fire warning capability in the area where cables for redundant shutdown systems are vulnerable to fire damage. The licensee also proposes to protect one train of the safe shutdown cable in a one-hour fire rated barrier.

7.3 *Evaluation.*

The technical requirements of Section III.G are not met because of the absence of both an area-wide fire detection and automatic fire suppression systems.

Our concern is that a fire of significant magnitude, if one should occur in this area, would damage redundant shutdown cables before being suppressed by the plant fire brigade. The fire detection system, which the licensee proposes to install 20 feet on either side and above the safe shutdown circuits, will provide reasonable assurance that a fire will be discovered at an early stage, before significant damage results. Because of the low fire load, available manual fire fighting equipment, and fire brigade training, it is our judgment that any postulated fire in the area would not be beyond the capabilities of the fire brigade to extinguish within a short time span.

Although a time delay of between 15 minutes and a half hour is anticipated between the receipt of the initial fire alarm and the arrival of the fire brigade, the one-hour fire rated barrier that the licensee proposes to install around the shutdown-related cable will provide sufficient passive fire protection until the fire is extinguished.

7.4 *Conclusion.*

Based on our evaluation, we conclude that the licensee's proposed modifications with the existing fire protection provide reasonable assurance that one safe shutdown division will be free of fire damage and will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore, the licensee's request for exemption for the General Area—Elevation 281 feet (Zone AB–FZ–5) should be granted.

8.0.1 *Demineralizers and MCC A* (Zone AB–FZ–6).

8.0.2 *Valve Gallery and Penetration Room* (Zone 1B–FZ–1).

8.0.3 *Motor Driven Emergency Feedwater Pump Area* (Zone 1B–FZ–3).

8.1 *Exemption Requested.*

The licensee requested exemptions from Section III.G.2 to the extent that it requires the installation of a one-hour barrier and an automatic fire suppression system.

8.2.1 *Discussion* (Zone AB–FZ–6).

The area is enclosed on three sides by walls constructed of reinforced concrete. The fourth side is open to an adjoining fire zone. The floor and ceiling are of reinforced concrete.

Safe shutdown equipment which is present in the zone consists of the engineered safeguards MCC 1A (its redundant counterpart is located in the adjoining zone), and redundant makeup and purification valves with related cabling.

The combustible materials present in the zone include cable insulation and transient material and represent, fire load of 30,404 BTU/ft^2.

Existing fire protection consists of a smoke detection system in the motor control center area, manual hose stations, and portable fire extinguishers.

The licensee proposes to erect a one-hour rated fire wall at the common boundary between this zone and AB–FZ–6a to separate the redundant MCCs.

8.2.2 *Discussion* (Zone 1B–FZ–1).

The area is enclosed by walls, floor and roof of reinforced concrete. Safe shutdown equipment which is located within the zone consists of 14 reactor building emergency cooling valves and related cabling.

The combustible material present in the zone is cable insulation, which represents a fire load of 8,925 BTU/ft^2.

Existing fire protection consists of a smoke detection system, manual hose stations and portable fire extinguishers.

8.2.3 *Discussion* (Zone 1B–FZ–3).

The area is enclosed by walls, floor and ceiling of reinforced concrete. Safe shutdown equipment which is located in the zone consists of four emergency feedwater valves, Division A and B emergency feedwater pumps and related cabling.

The combustible material located in the zone includes lube oil and cable insulation and respresents a fire load of 5,659 BTU/ft^2.

Existing fire protection consist of a smoke detection system, portable fire extinguishers and manual hose stations.

For all three fire areas, the licensee justifies the exemptions on the basis that, although the circuit to the valves will be damaged in a fire, the valves will not, and sufficient time exists for operating technicians to operate the valves manually to achive safe shutdown.

8.3 *Evaluation.*

In all three fire areas, the technical requirements of Section III.G are not met because the safety-related valves and circuits are not protected by one-hour rated fire barriers. In addition, the zones are not equipped with area-wide fire suppression systems.

The fire load in the zones is low. The combustibles, if totally consumed, would result in a fire which corresponds to a fire severity on the ASTM E–119 time-temperature curve of approximately 23 minutes, 7 minutes and 4 minutes in the three zones. The duration of these fires ignores the protection afforded by other features of the plant fire protection program. It is our opinion that fires of significant magnitude would not occur in these rooms.

The areas are also equipped with fire detection systems which provide reasonable assurance of early fire awareness and response by operating personnel and the plant fire brigade.

The licensee has demonstrated that, should a fire occur in these rooms, 12 hours exist to manually operate the valves to achieve safe shutdown. It is our judgment, based on the limited fire load and existing fire protection, that a fire in these rooms would not prevent re-entry into the areas and access to the valves for more than one hour. Thus, a sufficient time buffer exists to enable the flow paths to be reestablished, if necessary, so as to achieve safe shutdown.

8.4 *Conclusion.*

Based on our evaluation, we conclude that the licensee's alternate fire protection configuration will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore, the licensee's request for exemption for the following areas should be granted:

Demineralizers and MCC A,
Valve Gallery and Penetration Room,
Motor Driven Emergency Feedwater Area.

9.0 *Decay Heat Removal and Nuclear Service Closed Cycle Cooling Pump Area* (Zone AB–FZ–7).

9.1 *Exemption Requested.*

The licensee requested an exemption from Section III.G.2 to the extent that it requires the installation of one-hour fire rated barrier and an automatic fire suppression system.

9.2 *Discussion.*

The area is bounded by walls, floor and ceiling of reinforced concrete construction. Safe shutdown equipment which is located within the zone consists of redundant decay heat closed cycle cooling pumps, nuclear service closed cycle cooling pumps, and intermediate closed cycle cooling pumps and related cabling.

The combustible material present in the zone includes lube oil, cable insulation and transient materials and represent a fire load of 7,626 BTU/ft^2.

Existing fire protection consists of a fire detection system, manual hose station and portable fire extinguishers. Partial, reinforced concrete barriers exist between each nuclear services closed cycle cooling pump and the decay heat closed cycle cooling pumps.

The licensee proposes to protect Division A cabling with a complete one-hour fire rated barrier.

The licensee justifies the exemption on the basis that, because of the low fuel load, a fire of significant magnitude will not occur.

9.3 *Evaluation.*

The technical requirements of Section III.G are not met because of the absence of an automatic fire suppression system and complete one-hour fire rated barriers between redundant pumps that are needed for safe shutdown.

The fire load in this zone is low. The combustibles, if totally consumed, would produce a fire which corresponds to a fire severity on the ASTM E–119 time-temperature curve of approximately 5 minutes. It is our opinion that a fire of significant magnitude and duration would not occur in this room because of the protection afforded by other features of the plant fire protection program.

The area is equipped with a fire detection system which provides reasonable assurance of early fire awareness and response by operating personnel and the plant fire brigade.

Passive protection exists in the form of a complete one-hour fire rated barrier which the licensee committed to provide for one shutdown division of cabling. Passive protection for the safety-related pumps is represented by the partial height reinforced concrete walls. These walls will provide protection from radiant heat and direct flame impingement to assure that at least one division is available for shutdown.

9.4 *Conclusion.*

Based on our evaluation, we conclude that the licensee's alternate fire protection configuration will provide reasonable assurance that one safe shutdown division will be free of fire damage and will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2.

Therefore, the licensee's request for exemption for the Decay Heat Removal and Nuclear Service Closed Cycle Cooling Pump Area should be granted.

10.0 *Clarification of Appendix R Issues.*

10.1 *Introduction.*

Our review of the licensee's Appendix R evaluation revealed instances, such as in the Reactor Building, where the requirements of Section III.G may have been misinterpreted. Specifically, the licensee does not appear to have evaluated the plant for compliance with Section III.G on the basis of valid fire areas.

In addition, the licensee appears to have relied upon partial fire detection and suppression systems to achieve compliance with Section III.G.2 without complete justification. We deem it prudent to state our position in this matter to avoid any misunderstandings.

10.2 *Fire Areas.*

Section III.G of Appendix R identifies acceptable methods to provide fire protection for shutdown systems when redundant trains are located "within the same area." A fire area is generally bounded by construction having a fire resistance of at least three hours or by equivalent protection, such as a justified fire barrier of less fire resistance or a water curtain. Fire hazard analyses conducted prior to Appendix R to satisfy NRC Supplementary Guidance for Fire Protection Program Evaluation (September 1976) evaluated plant conditions from the perspective of both fire areas and fire zones (locations within a fire area that are not bounded by fire barriers). However, Section III.G of Appendix R sets forth the requirement for fire protection for safe shutdown capability only on the basis of fire areas.

The term "fire area" was defined in page 2 of BTP APCSB 9.5–1 "Guidelines for Fire Protection for Nuclear Power Plants" dated May 1, 1976. This definition also applied to Appendix A to BTP APCSB 9.5–1. A fire area was defined as "that portion of a building or plant that is separated from other areas by boundary fire barriers (walls, floors and roofs) with any openings or penetrations protected with seals or closures having a fire resistance rating equal to that of the barrier." Because this definition appeared to be well understood and accepted by licensees and because Appendix R uses the same definition as Appendix A to BTP APCSB

9.5–1, the definition was not repeated in Appendix R.

If previous evaluations by the licensee and the NRC staff were based on fire areas which comply with the above definition, they are in compliance with Appendix R. If previous evaluations were not based on fire areas, and the separation between fire zones does not meet the requirements of Section III.G of Appendix R, the technical requirements of Appendix R may not have been met.

The fire protection requirements of Section III.G of Appendix R are intended to provide reasonable assurance that at least one safe shutdown division is free of fire damage after a postulated fire in any area. Licensees, in their efforts to assess compliance with Section III.G, are required to identify all those redundant shutdown systems that maybe affected by a single fire within the plant. Because it is not possible to predict occurrence, locality or severity of fires, the area of potential fire influence needs to be defined by boundaries that can reasonably be expected to contain the flame, heat, and hot gases that will result from a fire. This definition of "fire areas" is predicated on sound fire protection engineering principles as they relate to the risk of fire damage to redundant shutdown equipment and cables, with due consideration to the propagation of fire and smoke through structures. Fire area boundaries defined by non-substantive, non-physical, logical divisions or equipment groupings cannot be expected to restrict fire and smoke spread.

Therefore, any Appendix R compliance analysis that was not based on fire areas defined by three-hour fire related walls, or by equivalent protection such as a justified fire barrier of less fire resistance, or an adequate water curtain, may not adequately demonstrate compliance with Appendix R separation requirements.

10.3 *Area Fire Detectors and Fire Suppression System.*

Sections III.G.2.B; III.G.2.C; III.G.2.D; and III.G.3 of Appendix R necessitate that a fire detection and fire suppression system be installed "in the area." This protection should be provided in conformance with appropriate industry standards (such as National Fire Protection Association Standards Nos. 13 and 72E) on the basis of sound fire protection principles. General industry practice, as exemplified by the following references from the National Fire Protection Association (NFPA), Fire Protection Handbook and FNPA Standards, it to installed fire protection throughout an area:

* * * complete installation of sprinklers *throughout* a building is necessary for complete protection of life and property. No areas should be left unprotected. It is risky to omit sprinklers from any single area because it is judged that the hazard is not sufficient to warrant them.(*1*)

The basic principles for providing proper protection are namely: (1) Sprinklers installed *throughout* the premises * * * (*2*)

When complete coverage is required, (Fire) detection devices should be installed *throughout* all parts of the building.(*3*)

There may be instances where the installation of a fire suppression system in an individual fire area may be determental to overall plant safety. In some instances the provision of a fire detection and a fire suppression system throughout the fire area may not significantly increase the level of fire safety afforded by partial coverage. Where it can be clearly demonstrated, by a fire protection engineering analysis, that the installation of a fire detection and fire suppression system in only select locations within a valid fire area will provide an equivalent level of protection, such partial coverage achieves compliance with Appendix R.

11.0 *Summary.*

Based on our evaluation, the licensee's request for exemptions for the following areas should be granted.

(1) Reactor Building Outside Secondary Shield, North (Zone RB–FZ–1a)
(2) Valve Gallery (Zone AB–FZ–3)
(3) Engineered Safeguards Motor Center B (Zone AB–FZ–6a)
(4) Control Building Health Physics and Lab Area (Zone CB–FA–1)
(5) Penetration Area (Zone AB–FZ–4)
(6) IR Switchgear Area (Zone ISPH–FZ–1)
(7) IT Switchgear Area (Zone ISPH–FZ–2)
(8) Demineralizers and MCC A (Zone AB–FZ–6)
(9) Valve Gallery and Penetration Room (Zone 1B–FZ–1)
(10) Motor Driven Emergency Feedwater Pumb Area (Zone 1B–FZ–3)
(11) Decay Heat Removal and Nuclear Service Closed Cycle Cooling Pump Area (Zone AB–FZ–7)
(12) Heat Exchanger Vault (Zone AB–FZ–1)
(13) General Area—Elevation 281 feet (Zone AB–FZ–5)

References

(*1*) "Fire Protection Handbook," Fourteenth Edition, National Fire Protection Association, Quincy, Massachusetts, 1976, p. 14–10.

(*2*) "Standard for the Installation of Sprinkler Systems," NFPA 13–1978, pages 13–67, paragraph 4–1.1.1.

(*3*) "Fire Protection Handbook," Fourteenth Edition, National Fire Protection Association, Quincy, Massachusetts, 1976, pp. 12–20.

[FR Doc. 84–15878 Filed 6–12–84; 8:45 am]
BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

[Order No. 564; Docket No. A84–9]

Mitchell, Louisiana 71453 (Irene Cates, et al., Petitioners); Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued: June 8, 1984.

Docket Number: A84–9.

Name of Affected Post Office: Michell, Louisiana.

Name(s) of Petitioner(s): Irene Cates, *et al.*

Type of Determination: Closing.

Date of Filing of Appeal Papers: May 17, 1984

Categories of Issues Apparently Raised:

1. Effect on the community (39 U.S.C. 404(b)(2)(A)).
2. Effect on postal services (39 U.S.C. 404(b)(2)(C)).
3. Economic savings (39 U.S.C. 404(b)(2)(D)).

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition within the 120-day decision schedule (39 U.S.C. 404(b)(5)) the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioners. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memorandum previously filed.

The Commission orders:

(A) The record in this appeal shall be filed on or before June 21, 1984.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register.**

By the Commission.

Charles L. Clapp,

Secretary.

May 17, 1984—Filing of Petition
June 7, 1984—Notice and Order of Filing of Appeal
June 11, 1984—Last day for filing of petitions to intervene (*see* 29 CFR 3001.111(b)).
June 21, 1984—Petitioner's Participant Statement or Initial Brief (*See* 39 CFR 3001.115(a) and (b)).

July 11, 1984—Postal Service Answering Brief (*see* 39 CFR 3001.115(c))

July 26, 1984—(1) Petitioner's Reply Brief should petitioner choose to file one (*see* 39 CFR 3001.115(d)).

August 2, 1984—(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument (*see* 39 CFR 3001.116).

September 14, 1984—Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 84-15762 Filed 6-12-84; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 23332; 70-6988]

Consolidated Natural Gas Co.; et al.; Proposal by Subsidiary To Acquire Existing Gas Pipeline Facilities From an Affiliate

June 6, 1984.

Consolidated Natural Gas Company (CNG), 100 Broadway, New York, New York, 10005, a registered holding company, and its wholly owned subsidiaries, Consolidated Gas Transmission Corporation ("Transmission"), 445 West Main Street, Clarksburg, West Virginia, 26301, and The Peoples Natural Gas Company ("Peoples"), Two Gateway Center, Pittsburgh, Pennsylvania, 15222, have filed an application-declaration with this Commission under sections 6, 7, 9, 10, 12(d) and 13(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 86, 87, 90 and 91 thereunder.

The proposed transaction is intended to allow Transmission to provide for the long term storage of natural gas for non-affiliates and to improve the capability of its existing transmission system. To accomplish this, it is undertaking a three phase facilities program, which includes the acquisition and operation of 40.5 miles of existing pipeline from its affiliates, Peoples.

Under this proposal, Transmission would acquire and operate approximately 40.5 miles of pipeline from Peoples, and relocate its delivery point to Peoples at a new measuring station in Calvin Junction, Pennsylvania. Transmission intends to operate the acquired pipeline as an extension of its own pipeline, which is to be extended by 34.4 miles, physically and directly integrating Transmission's system.

The proposed financial structure for the acquistion is a three-tiered transaction among the two affiliates and their parent, CNG, which is provided for by an agreement dated March 12, 1984 ("Agreement"). Under the Agreement, Peoples would declare at cost 40.5 miles of its pipeline as a property dividend to CNG, which would in turn, transfer its interest in the transmission facilities to Transmission by directing Peoples to assign CNG's dividend account to Transmission. In consideration for the assignment, Transmission would issue to CNG its capital stock in an amount equal to the value of the pipeline. Present valuation is estimated to be $1,816,560.00 on June 30, 1984; but actual valuation would be determined by Peoples for purposes of this transaction on the last day of the month in which final regulatory authorization is received.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 29, 1984 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will recieve a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utilities Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-15885 Filed 6-12-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21027; File No. SR-PCC-84-7]

Self-regulatory organization; Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Clearing Corp.

June 6, 1984.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 31, 1984, the Pacific Clearing Corporation ("PCC") filed with the Securities and Exchange Commission the proposed rule change described below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

PCC's proposal increases two monthly fees charged to PCC's members who are equity specialists on the Pacific Stock Exchange ("PSE"). The equity specialist post clearing fee has been increased from $825 to $1,650 per month. The equity specialist post cashiering fee has been increased from $900 to $1,100 per month.[1]

PCC states in its filing that its specialist clearing fee has not been increased since 1973, and that its specialist cashiering fee has been increased only once since 1973, that increase occurring in 1981. PCC states that the proposed fee increases are necessary to offset increased costs of providing these services to PCC's equity specialist members.

PCC believes that its proposal is consistent with section 17A of the Act, because it provides an equitable allocation of fees and charges among PCC's members. Specifically, under the proposal PCC's increased costs of providing services to PCC members who are PSE equity specialists are passed through to those members.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-PCC-84-7.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written

[1] Cashiering services performed by PCC for its specialist members include such "back-office" tasks as performing banking transactions, issuing checks, making loan payments, and computing profit or loss.

communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5. U.S.C 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-15884 Filed 6-12-84; 8:45 am]

BILLING CODE 8010-01-M

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing; Proposed Comprehensive Plan Amendment

The Susquehanna River Basin Commission (SRBC) will hold a public hearing to receive comments from citizens, government agencies and others on a proposed amendment to its Comprehensive Plan for Management and Development of the Water Resources of the Susquehanna River Basin. The hearing has been scheduled for Thursday, July 12, 1984 at the SRBC Headquarters Building, 1721 North Front Street, Harrisburg, Pa. in conjunction with the regular meeting of the Commission at 9:00 a.m.

The Susquehanna River Basin Compact, Pub. L. 91-575, 84 Stat. 1509 et seq., requires the Commission to maintain a Comprehensive Plan for the immediate and long-range use, management and development of the water and related resources of the basin. The Comprehensive Plan must also take into consideration the effect of the Plan or any part thereof upon the receiving waters of the Chesapeake Bay. Initially adopted in December 1973, the Plan provides a basinwide strategy to guide the Commission and others in the management, use and conservation of the basin's resources. The Plan is also used to evaluate proposed water resource developments that the Commission must, by law, approve. Federal agencies must exercise their powers in a manner that does not substantially conflict with the Comprehensive Plan.

The U.S. Environmental Protection Agency (EPA) recently completed a five-year study of the Chesapeake Bay known as the Chesapeake Bay Program (CBP). The findings of the Study, released in September 1983, clearly indicate that the Bay is an ecosystem with increasing pollution burdens and declines in desired resources. Much of the problem has been traced to an influx of excess nutrients and toxic compounds into the Bay from tributary streams and rivers. The Susquehanna River, the Bay's single largest tributary, has been found to be a significant contributor of nonpoint source pollution of both the nutrient and toxicant varieties.

In September 1983, the EPA-CBP published its recommendations for specific remedial actions by all of the jurisidictions affecting the Bay. In December 1983, a conference was held which included representatives of the States of Maryland, Virginia and Pennsylvania, the District of Columbia and the EPA. Citing the CBP findings and recommendations, the parties to the conference signed an agreement (the Chesapeake Bay Agreement of 1983) committing each of them to a cooperative, intergovernmental effort to clean up the Bay.

As a first step in fulfilling its Bay responsibilities under the Compact, the Commission formally endorsed the findings and recomendations of the CBP and the Chesapeake Bay Agreement of 1983 at its May 1984 meeting (Resolution No. 84-6). As a second important step, the Commission now proposes to adopt pertinent portions of the CBP recommendations into the SRBC Comprehensive Plan where they will serve as a basis for planning and review of all CBP related projects undertaken in the Susquehanna Basin and as guideposts for the achievement of CBP objectives relating to excess nutrients and toxicants.

The July 12th hearing will be informal in nature. Interested parties are invited to attend the hearing and to participate by making oral or written statements presenting their data, views and comments on the proposed amendment. Those wishing to personally appear to present their views are urged to notify the Commission in advance that they desire to do so. However, any person who wishes will be given an opportunity to be heard whether or not they have given such notice. After the hearing, the Commission will evaluate all relevant material and decide whether to adopt as proposed, modify or not adopt the amendment.

The Commission has a background report available upon request discussing the need for and in support of the amendment. This background report contains a copy of the amendment itself. For a copy of the background report or additional information, contact the Secretary, Richard A. Cairo, Susquehanna River Basin Commission, 1721 N. Front St., Harrisburg, Pa. 17102-2391, 717-238-0423.

Dated: June 6, 1984.

Robert J. Bielo,

Executive Director.

[FR Doc. 84-15802 Filed 6-12-84; 8:45 am]

BILLING CODE 7040-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Waukesha County, Wisconsin

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway improvement project in Waukesha County, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Cooper, District Engineer, Federal Highway Administration, 4502 Vernon Blvd., P.O. Box 5428, Madison, WI 53705. Telephone (608) 264-5940.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation, is currently preparing an Environmental Impact Statement for transportation improvements to State Trunk Highway (STH) 83 in Waukesha County, Wisconsin. The STH 83 corridor is located between Interstate Highway 94 and STH 16. The approximate length of the corridor is 3.5 miles. The corridor traverses and/or adjoins parkland, residential subdivisions, agricultural land, wetlands adjoining the Bark River, and the Bark River itself. Existing STH 83 is a two lane highway passing through the City of Delafield, Town of Delafield, and the Village of Hartland; crossing Nagawaukee Park and the Bark River.

Engineering studies are underway to develop transportation improvement alternatives. The EIS will assess the need, location and environmental issues of alternatives including: (1) A no-build alternative; (2) upgrade on existing location; (3) relocation to east; (4) variations or combinations of the above alternatives.

The section of STH 83 under study has limited vehicular capacity and numerous hills. For many years, there has been interest in improving safety and

increasing capacity to relieve congestion in this transportation corridor.

Coordination and Scoping Process

Coordination activities will begin shortly and will involve U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; Wisconsin Department of Natural Resources; Wisconsin State Historical Society; Wisconsin Department of Agriculture, Trade and Consumer Protection; Southeastern Wisconsin Regional Planning Commission; Waukesha County Park and Planning Commission; and other agencies that are identified as having an interest in or jurisdiction by law regarding the proposed action. In addition, coordination will continue with local units of government, private interest groups, other regional and local planning commissions, and private citizens. Formal scoping meetings are planned for Summer, 1984.

Issued: June 6, 1984.

Frank M. Mayer,

Division Administrator, Madison, Wisconsin.

[FR Doc. 84-15801 Filed 6-12-84; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes July 12, 1984.

ADDRESS: Comments to: Docket Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Departent of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9261-N	Petroplex Acidizing, Inc., Midland, TX	49 CFR 173.263(a)(1)	To authorize shipment of hydrochloric acid, corrosive materials, in unlined DOT Specification MC-312 cargo tanks. (Mode 1.)
9262-N	Pendo Industries, Inc., Fort Worth, TX	49 CFR 173.100(v)	To authorize shipment of commercial shaped charges containing up to 500 grains of propellant powder for transportation as oil well cartridges, and/or changes, shaped, commercial, Class C explosive (Modes 1, 3, 4.)
9263-N	Liquid Air Corporation, San Francisco, CA	49 CFR 173.302	To authorize shipment of compressed gas, n.o.s., (a mixture of ethylene, acetylene, and propylene) classed as flammable gas in DOT Specification 4L cylinders. (Mode 1.)
9264-N	Genus, San Marcos, CA	49 CFR 173.284	To authorize shipment of tungsten hexafluoride, classed as a corrosive material, in DOT Specification 3AL cylinders. (Modes 1, 2, 3, 4.)
9265-N	Guinn Flying Service, Houston, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of various Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
9268-N	ANF-Industries, Paris, France	49 CFR 173.315	To authorize shipment of various flammable and nonflammable gases in non-DOT specification IMO Type 5 portable tanks. (Modes 1, 2, 3.)
9268-N	Transway Systems Inc., Stoney Creek, Ont. Canada.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks similar to DOT Specification MC-312/307 except for bottom outlet valve variations, for shipment of various flammable, corrosive or poisonous waste liquids or semi solids. (Mode 1.)
9269-N	Columbia Nitrogen Corporation, Augusta, GA	49 CFR 173.154(a)(17)	To authorize shipment of ammonium nitrate solution, containing not less than 15% water, classed as an oxidizer in DOT Specification 103DW tank car tanks. (Mode 2.)
9270-N	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.264(b)(2), 179.101-1(a)	To authorize shipment of hydrogen flouride, corrosive material, in DOT Specification 112A400W tank cars stenciled DOT Specification 112A200W. (Mode 2.)
9271-N	Missouri Pacific Railroad Co., St. Louis, MO	49 CFR 174.90	To allow the placement of cars placarded explosive A next to cars placarded explosive B; next to loaded flat cars or next to cars equipped with automatic refrigeration or heating apparatus in operation under certain operating conditions. (Mode 2.)
9271-N	Union Pacific Railroad Company, Omaha, NE	49 CFR 174.90	To allow the placement of cars placarded explosive A next to cars placarded explosive B; next to loaded flat cars or next to cars equipped with automatic refrigeration or heating apparatus in operation under certain operating conditions. (Mode 2.)
9272-N	Rentokil, Incorporated, Norcross, GA	49 CFR 173.346	To authorize shipment of a poison B liquid n.o.s. in DOT Specification 57 steel portable tanks of 340 gallon capacity. (Mode 1, 3.)
9273-N	Faith-Air Taxi Service, Lemoore, CA	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of various class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
9274-N	Schweigers Inc., Britton, SD	49 CFR 173.315(k)	To authorize use of one non-DOT specification steel cargo tank having a design pressure of 200 psig, hydrostatic tested to 375 psig, for shipment of liquefied petroleum gas. (Mode 1.)
9275-N	Fritzsche, Dodge & Olcott, Inc., New York, NY	49 CFR 173.118(c)	To broaden the exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol formulations. (Modes 1, 2, 3, 4, 5.)
9275-N	Sterling Drug, Inc., New York, NY	49 CFR 173.118(c)	To broaden the exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol formulations. (Modes 1, 2, 3, 4, 5.)
9275-N	The Upjohn Company, Kalamazoo, MI	49 CFR 173.118(c)	To broaden the exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol formulations. (Modes 1, 2, 3, 4, 5.)
9276-N	St. Louis Flight System, Inc., Chesterfield MO	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of various class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on June 6, 1984.

Joseph T. Horning,

Chief, Exemptions and Approvals Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-15612 Filed 6-12-84; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications to Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes June 28, 1984.

ADDRESS: Comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
970-X	U.S. Department of Defense, Washington, DC.	970
970-X	Callery Chemical Co. Callery, PA	970
1479-X	Jet Propulsion Laboratory, Pasadena, CA.	1,479
2587-X	Liquid Air Corporation, San Francisco, CA.	2,587
3004-X	Liquid Air Corporation, San Francisco, CA.	3,004
3126-X	Hercules, Incorporated, Wilmington, DE.	3,126
3142-X	U.S. Department of Energy, Washington, DC.	3,142
3216-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	3,216
3216-X	Pennwalt Corporation, Philadelphia, PA.	3,216
3302-X	Liquid Air Corporation, San Francisco, CA.	3,302
3941-X	Aerojet Tactical Systems Company, Sacramento, CA.	3,941
3941-X	Aerojet Strategic Propulsion Company, Sacramento, CA.	3,941
4108-X	Purity Cylinder Gases, Inc., Grand Rapids, MI.	4,108
5232-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	5,232
5704-X	Trojan Corporation, Spanish Fork, UT	5,704
6016-X	Strate Welding Supply Co., Inc., Buffalo, NY.	6,016
6071-X	Walter Kidde, Wilson, NC	6,071
6121-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	6,121
6154-X	Uniroyal Chemical, Naugatuck, CT	6,154
6334-X	Allied Corporation, Morristown, NJ	6,334
6349-X	Airco Industrial Gases, Murray Hill, NJ	6,349
6349-X	Union Carbide Corporation, Danbury, CT (see Footnote 1).	6,349
6484-X	Dow Chemical Co., Midland, MI	6,484
6518-X	Stauffer Chemical Company, Westport, CT.	6,518
6538-X	Hanco International, Inc., North Miami Beach, FL.	6,538
6611-X	Air Products and Chemicals, Inc., Allentown, PA.	6,611
6651-X	Park Chemical Company, Detroit, MI	6,651
6670-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	6,670
6758-X	Roper Plastics, Inc., Hasbrouck Height, NJ.	6,758
6772-X	Monsanto Company, Saint Louis, MO	6,772
6806-X	Transfresh Corporation, Salinas, CA	6,806
6890-X	U.S. Department of Defense, Washington, DC.	6,890
6927-X	Bromine Compounds Ltd., Beer-Sheva, Israel.	6,927
6984-X	Mesabi Powder Company, Hibbing, MN.	6,984
6984-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	6,984
7026-X	Walter Kidde & Company, Inc., Wilson, NC.	7,026
7052-X	NAECO Associates, Inc., Arlington, VA.	7,052
7052-X	Tadiran-Israel Electronics Industries, Ltd., Rehovot, Israel.	7,052
7052-X	General Electric Co., Philadelphia, PA	7,052
7220-X	Greif Brothers Corp., Springfield, NJ (see Footnote 2).	7,220
7494-X	Airco Industrial Gases, Murray Hill, NJ	7,494
7538-X	Southern Chemical Products Company, Macon, GA.	7,538
7543-X	Monsanto Company, Saint Louis, MO	7,543
7601-X	Atlantic Research Corporation, Gainesville, VA.	7,601
7640-X	Mauser Packaging, Ltd., New York, NY.	7,640
7741-X	Bell Aerospace, Buffalo, NY	7,741
7767-X	Walter Kidde & Company, Inc., Wilson, NC.	7,767
7802-X	Bennett Industries, Pacoima, CA	7,802
7823-X	Air Products and Chemicals, Inc., Allentown, PA.	7,823
7876-X	Allied Corporation, Morristown, NJ	7,876
7909-X	EMCO, Inc., Maumelle, AR	7,909
7943-X	Hill Brothers Chemical Company, Tucson, AZ.	7,943
7971-X	Walter Kidde & Company, Inc., Wilson, NC.	7,971
8006-X	Kilgore Corporation, Toone, TN	8,006
8037-X	Mauser Packaging, Ltd., New York, NY.	8,037
8156-X	Air Products and Chemicals, Inc., Allentown, PA.	8,156
8156-X	Cryogenic Rare Gas Labs., Inc., Metuchen, NJ.	8,156
8308-X	Gaspersen, Inc., Glencoe, IL	8,308
8390-X	Allied Corporation, Morristown, NJ	8,390
8397-X	Mauser Packaging, Ltd., New York NY.	8,397
8436-X	Pennwalt Corporation, Buffalo, NY	8,436
8437-X	Park Chemical Company, Detroit, MI	8,437
8439-X	Walter Kidde & Company, Inc., Wilson, NC.	8,439
8445-X	Union Carbide Agricultural Products Company, Danbury, CT.	8,445
8445-X	DSS Biotech Corporation, Painesville, OH.	8,445
8445-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	8,445
8445-X	Monsanto Company, St. Louis, MO	8,445
8445-X	Dow Chemical U.S.A., Midland, MI	8,445
8445-X	Kerr-McGee Chemical Corporation, Oklahoma City, OK.	8,445
8457-X	Duracell U.S.A., Tarrytown, NY	8,457
8458-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	8,458
8547-X	Natico, Inc., Chicago, IL (see Footnote 3).	8,547
8549-X	United Pumping Service, Inc., City of Industry, CA (see Footnote 4).	8,549
7823-X	Air Products and Chemicals, Inc., Allentown, PA.	8,690
8741-X	Alpha Aviation, Inc., Dallas, TX	8,741
8747-X	Copps Industries, Inc., Menomoneee Falls, WI.	8,747
8794-X	Applied Technology, Inc., Barnwell, SC.	8,794
8805-X	Union Carbide Corporation, Danbury, CT (see Footnote 5).	8,805
8809-X	Continental Group, Inc., Lombard, IL	8,809
8816-X	Hunt-Wesson Foods, Inc., Fullerton, CA.	8,816
8850-X	Hoover Universal, Inc., Beatrice, NE	8,850
8852-X	Proctor & Gamble Company, Cincinnati, OH.	8,852
8860-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	8,860
8885-X	Copps Industries, Inc., Menomonee Falls, WI.	8,885
8943-X	BASF Wyandotte Corporation, Parsippany, NJ.	8,943
8963-X	Atlantic Research Corporation, Gainesville, VA.	8,963
8965-X	Pressed Steel Tank Company, Inc., Milwaukee, WI (see Footnote 6).	8,965
9001-X	Chesterfield Cylinder Company, Enid, OK (see Footnote 7).	9,001
9050-X	United Executive Jet, Inc., Chesterfield, MO (see Footnote 8).	9,050
9056-X	Hodgdon Powder Co., Inc., Shawnee Mission, KS.	9,056
9144-X	Cajun Bag & Supply Company, Crowley, LA (see Footnote 9).	9,144
9169-X	Pacific Smelting Company, Torrance, CA (see Footnote 10).	9,169

Application No.	Applicant	Renewal of exemption
9201-X	Cyanamid Canada, Inc., East Willowdale, Canada (see Footnote 11).	9,201
9222-X	Caldwell Systems, Inc., Lenoir, NC	9,222

[1] To renew, to make certain proper shipping name, weight limitations, retest and travel time changes in consonance with Docket HM-115 rulemaking.
[2] To authorize shipment of certain irritating materials, as additional commodities.
[3] To authorize use of an optional steel drum incorporating a 2u liner for shipment of cleaning compounds containing not over 14 percent hydrofluroic acid.
[4] To renew and to modify as a shipper oriented exemption rather than to manufacture, mark and sell.
[5] To renew, and issue exemption as manufacture, marking and sell; to make certain proper shipping name, retest, weight limitation, changes and to allow venting through pressure control valve.
[6] To authorize rail freight, cargo vessel, passenger carrying aircraft and cargo aircraft only as additional modes of transportation.
[7] To substitute a magnetic particle examination for the ultrasonic test of cylinder; to allow a reduction in wall thickness for cylinders of specified diameter.
[8] To authorize additional Class A explosives and to include various Class B and C explosives for carriage by air.
[9] To authorize chromic acid, classed as an oxidizer as an additional commodity and to authorize option to use 3 mil or 6 mil polyethylene film to line bags.
[10] To authorize rail as an additional mode of transportation; and open top trucks and hopper trucks for shipment of zinc skimmings.
[11] To increase weight per bag to not more than 4,400 pounds and to secure bag in box unit to a wood or equally strong pallet base.

Application No.	Applicant	Parties to exemption
2709-P	Atlantic Reserach Corporation, Camden, AR.	2,709
4108-P	Liquid Air Corporation, San Francisco, CA.	4,108
6325-P	Wampum Hardware Co., New Galilee, PA.	6,325
6762-P	Main Line Distributors, Inc., King of Prussia, PA.	6,762
7052-P	Martin Marietta Corporation, Denver, CO.	7,052
7052-P	Eastman Kodak Company, Rochester, NY.	7,052
7943-P	Willard Products, Redwood City, CA	7,943
8080-P	American Chrome & Chemicals Inc., Corpus Christi, TX.	8,080
8091-P	Northwestern Bell, Omaha, NE	8,091
8091-P	Pacific Northwest Bell, Portland, OR	8,091
8091-P	Mountain Bell, Denver, CO	8,091
8129-P	New Mexico State University, Las Cruces, NM.	8,129
8129-P	U.S. Department of Energy, Washington, DC.	8,129
8129-P	Arizona State University, Tempe, AZ	8,129
8129-P	Polysar Incorporated, Leominster, MA	8,129
8445-P	Polysar Incorporated, Leominster, MA	8,445
8445-P	Presbyterian Hospital Laboratory, Albuquerque, NM.	8,445
8445-P	U.S. Department of Energy, Washington, DC.	8,445
8445-P	Ecofio, Inc., Bladensburg, MD	8,445
8509-P	American Hoechst Corporation, Somerville, NJ.	8,509
8554-P	Wampum Hardware Co., New Galilee, PA.	8,554
8485-P	Wampum Hardware Co., New Galilee, PA.	8,645
9110-P	KemaNord, Columbus, MS	9,110
9169-P	Isaac Cohen and Son, Inc., Ontario, CA.	9,169
9170-P	Transport Company, Inc., El Dorado, AR.	9,170
9184-P	Midwest Carbide Corporation, Keokuk, IA.	9,184
9266-P	Eurotainer S.A.R.L., Paris, France	9,266
9266-P	Societe Auxilizire de Transports et d'Industries, Paris, France.	9,266

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on June 8, 1984.

Joseph T. Horning,

Chief, Exemptions and Approvals Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-15813 Filed 6-12-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

Data Improvement Program for Entitlement Period Sixteen

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Data and allocation notice.

SUMMARY: This notice provides the data definitions and effective dates for the Data Improvement Program for Entitlement Period 16 (October 1, 1984–September 30, 1985) of the Revenue Sharing Program, and provides challenge procedures. The Data Improvement Program notices mailed to all Revenue Sharing governments on May 29, 1984 included the estimated allocations and the data for each government based on these data definitions.

DATES: Data challenges for Entitlement Period 16 should be submitted to the Office of Revenue Sharing by July 16, 1984. Demands for allocation adjustments for Entitlement Period 16 must be made by September 30, 1986.

FOR FURTHER INFORMATION CONTACT: Matthew Butler, Manager, Data and Demography Division, Office of Revenue Sharing, Treasury Department, Washington, D.C. 20226, (202) 634–5166.

SUPPLEMENTARY INFORMATION: On May 29, 1984, the data scheduled to be used by the Office of Revenue Sharing in calculating the Revenue Sharing allocations for all State areas and eligible local governments for Entitlement Period 16 were mailed to each government. These data have been compiled by the Bureau of the Census, Bureau of Economics Analysis, and the Internal Revenue Service. The definition of each data element is printed in this notice.

An estimated allocation amount for each State area and recipient local government is also provided to each government to aid in its data verification efforts. If a government does not believe the allocation amount is correct, it should check its data carefully to find the source of the discrepancy. The data may be corrected under this review program or other data improvement procedures. The Office of Revenue Sharing will notify each recipient government of its data and the amount of its initial Entitlement Period 16 allocation, plus any adjustments for previous entitlement periods, on its *Recipient Accounts Statement* form scheduled to be mailed in December 1984.

The State area data were mailed to the Governor of each State and to the Mayor of Washington, D.C. The City of Washington is treated, for Revenue Sharing purposes, as the only municipality in the State area of the District of Columbia. State governments are not eligible to receive Revenue Sharing funds for Entitlement Period 16, since funds were not authorized for State governments for this period. States received a letter showing their State's data used to calculate the amount for distribution among the State areas. If a State government believes that there are errors in the data relative to the definitions and effective dates, the State government should send its written data challenge with supporting documentation to the Office of Revenue Sharing by July 16, 1984. Upon receipt of a challenge from a State government, the Office of Revenue Sharing will work with the appropriate Federal agency to confirm or correct the questioned data. The Office of Revenue Sharing will advise the State government of the results of this review. Any resulting data changes for State areas will be used in computing the initial allocations of all eligible governments for Entitlement Period 16, which are currently scheduled for October 1984.

The data for each unit of local government were mailed to the official of record for the government. Each recipient local government was sent either a Form 3233 or a Form 90–18.3. The Form 90–18.3 was sent only to those governments in areas declared major disaster areas since April 1, 1974 under the Disaster Relief Act of 1974 (42 U.S.C. 5141), whose data were possibly adversely affected by a major disaster. In order to be eligible for the stabilization benefit of the Disaster Relief Act (which permits them to use their pre-disaster data figures rather then their post-disaster figures), the local governments which receive a Form 90–18.3 are required to verify that one or more of their data elements were adversely affected by the disaster. Form 3233 was sent to all other recipient governments.

If a government believes that there are errors in the data relative to the definitions and effective dates, it should

return the Form 3233 or Form 90–18.3 to the Office of Revenue Sharing by July 16, 1984, with evidence justifying the proposed data corrections. Governments which do not wish to question their data or to certify a disaster need not return the form. When the Office of Revenue Sharing receives a written challenge from a recipient government, it will work with the appropriate Federal agency to substantiate or correct all data questioned, and will advise the government of the results of this review. Any resulting changes in the data for local governments will be used in computing the initial allocations for Entitlement Period 16, if they have been processed by the time of that allocation. Otherwise, these changes will be incorporated in the interim allocations for Entitlement Period 16 scheduled for October 1985.

According to the provisions of 31 U.S.C. 6702(c), the Office of Revenue Sharing must make allocation adjustments where the recipient government or the Director (under powers and duties given by the Secretary of the Treasury) makes a demand for adjustment within one year after the end of the entitlement period. For Entitlement Period 16, the Director has determined that all data corrections made by this Office, based on the revisions of a data source agency (i.e., Bureau of the Census, Bureau of Economic Analysis, Internal Revenue Service) and which are received by the close of business on September 30, 1986, will be treated as an adjustment demand under this provision. In addition, any written demand for adjustment containing adequate supporting documentation sent by a State or eligible local government (or by the Secretary or his designee), and which is received by the ORS by the September 30, 1986 deadline, will be researched and resolved. Corrections to the data will be incorporated into the calculation of the final allocations for Entitlement Period 16 scheduled for October 1986. Any resulting adjustments in the Revenue Sharing allocations for Period 16 usually will be included with government's payments for the next entitlement period.

The data definitions for State areas used in the interstate allocation process and for local governments used in the intrastate allocation process for Entitlement Period 16 are as follows:

State Area Data Definitions

I. Population

The population of a State for Entitlement Period 16 (October 1, 1984–September 30, 1985) of the Revenue Sharing Program is the provisional estimate of the total resident population on July 1, 1983 as determined by the Bureau of the Census. These provisional estimates are based on a new methodology developed for the 1980's post-Census population estimates.

The Census Bureau developed the provisional 1983 population estimates by using an average of the Administrative Records method and a Composite method to obtain State totals for the household population under age 65. Estimates for the population 65 years and older were obtained using changes in Medicare enrollments. In addition, estimates of the population under 65 in group quarters were added to create an estimate of the total population.

The Administrative Records method uses reported births and deaths to estimate natural change since the last census, individual Federal tax exemptions to estimate net internal migration, and Immigration and Naturalization Service data to estimate immigration since the census. The Composite Method uses reported births and deaths to estimate natural change since the last census and school enrollment data to estimate migration for the population under age 15. For ages 15 to 64, the method uses changes in Federal income tax returns, school enrollment, and housing units in a regression approach to estimate change in the population. The results of the Administrative Records and Composite Methods were averaged to develop an estimate of the household population under age 65.

Estimates of the civilian population for States were obtained by subtracting estimates of the number of persons in the Armed Forces from the resident total for each State. Data on the Armed Forces were obtained from the Department of Defense and the individual services.

For a definition of the population data and the new methodology, please see the Census Bureau's *Current Population Reports* Series P–25, No. 944, issued January 1984.

A more detailed description of this methodology and of the test methods in 1980 will be contained in the full report on the estimates to be issued in a later Series P–25 report. The estimates were rounded to the nearest thousand without being adjusted to group totals, which were independently round.

The provisional 1983 State populations used for Revenue Sharing purposes may not agree exactly with the published figures, since data corrections based on the same methodology may have been received subsequent to publication.

II. Urbanized Population

The urbanized population of a State for Entitlement Period 16 is the 1980 urbanized population of a State as determined by the Bureau of the Census.

A State's 1980 urbanized population is that State's 1980 Census population living in "Urbanized Areas." For a complete definition of Urbanized Areas, please consult the Bureau of the Census publication for each State entitled *1980 Census of Population: Vol 1, Characteristics of the Population, PC80–1–A, Number of Inhabitants.*

III. Income

The per capita income (PCI) of a State for Entitlement Period 16 is the 1981 per capita income of the State as determined by the Bureau of the Census. The per capita income is the estimated mean or average amount of total money income received during calendar year 1981 by all persons residing in the State in April 1982. The 1981 PCI estimates are based on data from the 1980 Census and reflect corrections to the census data which have been made since 1980.

Total money income is the sum of:

- Wage and salary income,
- Net nonfarm self-employment income,
- Net farm self-employment income,
- Interest, dividend, and net rental income,
- Social security and railroad retirement income,
- Supplemental Security Income (SSI), Aid for Families with Dependent Children (AFDC), and other public assistance income, and
- All other income such as veteran's payments, pensions, unemployment insurance, alimony, etc.

The total represents the amount of income received before deductions for personal income taxes, social security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: money received from the sale of personal property; capital gains; the value of income "in-kind" such as food produced and consumed in the home or free living quarters; withdrawals of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same house-hold; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

The 1979 PCI data from the 1980 Census were updated to 1981 based on income data from the 1979 and 1981 Federal income tax returns, and State

income estimates prepared by the Bureau of Economic Analysis to measure the change from 1979 to 1981.

At the State level, 1981 per capita income estimates were developed by carrying forward the 1980 Census aggregate wage and salary income and per capita income for the remaining types of income itemized above, and dividing the sum of the 1981 aggregates for each State by the estimated April 1982 population. The percent change in wage and salary income as reflected by the Internal Revenue Service data was used to update the 1980 Census wage and salary amount, while the remaining income types were carried forward using the percent change implied in estimates developed by the Bureau of the Economic Analysis.

The 1981 PCI estimates will be published by the Bureau of the Census in the *Current Population Reports* series. The estimates being used for Revenue Sharing purposes may not agree exactly with the figures in these reports, since corrections may have been made to the estimates subsequent to their publication.

IV. State Individual Income Tax

The State individual income tax data of a State for Entitlement Period 16 is the total calendar year 1983 collections of the tax imposed upon the income of individuals by such State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1954. These data also include collections of taxes on special types of income (e.g., interest, dividends, income from intangibles, etc).

Actual calendar year 1983 State individual income tax collections data were obtained from the Bureau of the Census publication entitled *Quarterly Summary of State and Local Tax Revenue, October–December 1983.* The calendar year 1983 State individual income tax collections data used for Revenue Sharing purposes may not agree exactly with the published figures, since corrections to these data may have been made subsequent to publication.

V. Federal Individual Income Tax Liabilities

The Federal individual income tax liability of a State for Revenue Sharing purposes is the total annual Federal individual income tax liability of the residents of the State as provided by the Internal Revenue Service (IRS). This data consists of income tax after credits, tax from prior-year investment credit, minimum tax, alternative minimum tax, social security tax on tip income, and tax on individual retirement arrangements less self-employment tax and earned income credit used to offset other taxes.

Income tax before credits is the tax liability computed on taxable income based on:

1. The regular combined normal tax.
2. Alternative tax, or
3. Tax computed using the income averaging provisions.

Examples of credits which are applied against income taxes are:

1. Retirement income credit,
2. Investment credit,
3. Foreign Tax credit, and
4. Other tax credits.

The most recently available Federal individual income tax liabilites are the 1982 IRS estimates of Federal individual income tax liabilities of States. These estimated tax amounts for calendar year 1982 are the preliminary 1982 estimates from the Internal Revenue Service's "Returns Transaction File," which classified all Federal individual tax returns processed during calendar year 1983 according to the taxpayers' mailing addresses as shown on the tax returns.

VI. State and Local Taxes

The State and local tax data of a State are the compulsory contributions exacted by the State government or by any local government or other political subdivision of the State for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay) as such contributions are determined by the Bureau of the Census for general statistical purposes. For Revenue Sharing purposes, the taxes of Indian governments and Alaskan native villages are included in the State and local tax data of a State.

State and local tax data used for Revenue Sharing purposes are the fiscal year 1982–83 State and local taxes as reported by the Bureau of the Census in Table 5 of *Governmental Finances 1982–83* (GF 83, No. 5). Fiscal year 1982–83 is a government's 12-month accounting period that ended between July 1, 1982 and June 30, 1983, except for three State governments and the school districts in two States. The State governments of Alabama and Michigan had fiscal years ended September 30, 1983, and the Texas State government had a fiscal year ended August 31, 1983. Also, the school districts in Alabama had fiscal years ended September 30, 1983, and those in Texas ended August 31, 1983. All of these governments are treated as though they are part of the group with fiscal years ended by June 30, 1983.

Tax revenue comprises amounts collected from all taxes which are imposed by a government and collected by that government, or which are collected for it by another government acting as its agent. This includes interest and penalties, but does not include amounts refunded or taxes paid under protest and held in suspense accounts subject to possible refund. These latter amounts are not regarded as revenue, except as awarded to the government concerned. For purposes of this definition, local governments and other political subdivisions include counties (parishes in Louisiana and boroughs in Alaska), municipalities, townships, school districts, special districts, and Indian governments and Alaskan native villages. A government also includes, in addition to the central authority of the unit, any semi-autonomous boards, commissions, or other agencies dependent on it that do not in themselves meet requirements as to fiscal and administrative independence, even though as to accounting aspects these agencies may operate outside the central accounting and administrative pattern of the government.

The State government information contained in State and local taxes is based on the annual Bureau of the Census survey of State finances. State finance statistics are compiled by representatives of the Bureau of the Census from official records and reports of the various States. The local government portion of the State and local tax data are estimates based on information received from all general purpose governments and from a sample of school districts and special districts. The sample consisted of districts whose relative importance in their State based on expenditure or debt was above a specified size, and a random sample of remaining units.

The fiscal year 1982–83 State and local taxes data may not agree exactly with the figures in *Governmental Finances 1982–83*, because corrections may have been made to these data subsequent to their publication and because this publication does not include taxes of Indian governments and Alaskan native villages among its finance data for State and local governments.

VII. General Tax Effort Factor

The general tax effort factor of a State for Entitlement Period 16 is the amount of fiscal year 1982–83 State and local taxes of the State divided by the aggregate personal income of the State for 1982. State and local taxes for fiscal year 1982–83 are as defined above, and as reported by the Bureau of the Census

in Table 5 of *Governmental Finances 1982–83* (GF 83, No. 5).

Aggregate personal income of a State in calendar year 1982 is the income of individuals as estimated by the Bureau of Economic Analysis of the Department of Commerce for national income accounts purposes, and which are scheduled to be reported in "Personal Income By States and Regions for Selected Years," Table 1, *Survey of Current Business*, August 1984, Volume 64, Number 8. These estimates will supersede the currently available 1982 estimates reported in *Survey of Current Business*, August 1983, Volume 63, Number 8, which will be used in calculating State area estimated allocations in May 1984.

Aggregate personal income represents the total current income received by persons residing in the State from all sources, including transfers from government and business, but excluding transfers among "persons." Not only individuals (including owners of unincorporated enterprises), but also non-profit institutions, private trust funds, and private pension, health and welfare funds are classified as "persons." Personal income is measured on a before-tax basis, as the sum of wages and salary disbursements, other labor income, proprietors' and rental income, interest and dividends, and transfer payments, minus personal contributions for social insurance, etc.

Local Governments Data Definitions

I. Population

Population of Local Governments

The population of a local government for Entitlement Period 16 of the Revenue Sharing Program is the resident population as of July 1, 1982 as determined by the Bureau of the Census. The July 1, 1982 population estimates are published by the Bureau of the Census in *Current Population Reports*, Series P–26, in State reports numbered in alphabetical sequence from Alabama through Wyoming.

The 1982 population estimates were derived by the Bureau of the Census using a component procedure whereby components of population change are estimated separately and then added to the enumerated 1980 Census populations of the local governments. The 1980 population base reflects all population corrections made to the data after the initial Bureau of the Census publications.

The components of population change are:

1. Natural increase, i.e., the excess of births over deaths: Annual births and deaths for counties were compiled from State vital statistics offices supplemented by data from the National Center for Health Statistics. For subcounty areas, births and deaths were estimated using census data and adjusted to agree with county-level figures.

2. Net Migration: This component of population change was estimated for each unit of government by developing net migration rates from Federal income tax return data. Returns were matched from one filing date to another in order to determine mover/nonmover status. For the July 1, 1982 population estimates, these rates were derived from 1979 and 1981 returns, which were filed in April 1980 and 1982, respectively. The methodology is described in *Current Population Reports*, Series P–25, No. 699 "Population and Per Capita Money Income Estimates for Local Areas: Detailed Methodology and Evaluation." The number of those who moved in, minus the number who moved out, yields the net migration. The rate computed from these data was applied to the total nongroup quarters population in an area, which was the population that was not residing in an institution, college dormitory, or military barracks. These latter special population groups were accounted for separately, as were legal immigrants from abroad.

For all areas where special censuses were conducted by the Bureau of the Census close to the 1982 estimate date, and in selected areas where special censuses are conducted locally, the special census counts were used in the preparation of the estimates. For these cases, the special census counts were adjusted to the July 1, 1982 estimate date. In addition, the subcounty estimates in seven States prepared by the Bureau of the Census were averaged with estimates produced by State agencies particpating in the Federal-State Cooperative Program for Local Population Estimates. These States are: California, Florida, New Jersey, New Hampshire, Oregon, Vermont, and Wisconsin. For the State of Washington, the State-produced estimates are used alone.

For counties, three methods were used to produce the July 1, 1982 population estimates. In addition to the Administrative Records method described above, the Ratio-correlation method and Component Method II were also used. For each State, a separate determination was made as to which method or methods to use. If more than one method was used for a State, they were averaged. The county populations were adjusted to be consistent with State estimates published by the Bureau of the Census in *Current Population Reports*, Series P–25, just as the population estimates for the governments in each county were adjusted to be consistent with the county population figures.

The population estimates for local governments generally relate to governmental boundaries as of December 31, 1982, and reflect all qualifying annexations through that date. In addition, later adjustments to the 1982 population estimates will be made for new incorporations, disincorporations, and mergers or consolidation occurring through September 30, 1984.

Population of American Indian Tribes and Alaskan Native Villages

1. *Definitions:* The population for an eligible American Indian tribe is the resident American Indian population as of July 1, 1982 as determined by the Bureau of the Census. (See below regarding Alaskan native villlages.) This determination was made by estimating population change for the period April 1, 1980 (Census Day) to July 1, 1982. The 1982 estimates were obtained by incorporating the estimated changes to the 1980 Census count.

For American Indian tribes, the population is the number of American Indians living on the reservation plus any American Indians living in adjacent tribally-owned trust lands of that tribe. The boundaries for the 1982 estimates are the same as defined for the 1980 Census. The Bureau of Indian Affairs (BIA) delineated the boundaries of American Indian reservation based on boundaries established by treaty, statute, and executive and/or court order for the Census. Also, the BIA identified adjacent tribal trust lands located outside the reservation boundaries. These boundaries may not conform exactly to actual boundaries, since the boundaries used extend to the nearest physical or natural feature bordering the trust lands. Resident non-Indian members of families with an American Indian householder or spouse are also included in the tribal population data. The population of the Osage Tribal Council of Oklahoma will be determined on this basis, since it has its own current reservation.

For the other Oklahoma tribes which are located within the historic reservation areas (excluding urbanized areas), the estimate of the resident Indian population for Revenue Sharing purposes is based on the Indian persons who identified with an eligible Indian tribe in the 1980 Census and who lived within the boundaries of the historic

reservation area in a county which contains trust lands associated with that eligible tribe. In cases where two or more tribes had reservation land within a county, the historic area as a whole within that county are treated jointly as the land of those tribes. Parts of the historic areas located within incorporated cities or towns are excluded from the land of the tribes. Resident non-Indian members of families with an Indian householder or spouse identifying with a tribe are included in that tribe's population data.

For Alaskan native villages, the 1982 resident population is the number of American Indians, Eskimos, and Aleuts living in the village on July 1, 1982. Resident non-Alaskan native members of families with an Alaskan native householder or spouse are also included in the population data.

Since the 1982 estimates were obtained by adjusting the 1980 Census data, the concept of race reflects self-enumeration by respondents according to the race with which they identified themselves in the 1980 Census. Additionally, persons who did not report themselves in one of the specific race categories, but reported the name of an Indian tribe, were classified as American Indian.

2. *Estimating Method:* The 1982 population estimate was developed by a component procedure in which each of the components of population change (birth, deaths, and net migration) were estimated separately for the period April 1, 1980 to July 1, 1982. The net change was used to adjust the 1980 Census data by the amount and direction of the change.

a. *Natural Change:* A computer file of registered Indian births and deaths maintained by the Indian Health Service provided total figures for each county for the estimate time period. The estimate of births for each reservation is determined by the proportion of Indian women aged 15 to 44 years living on the reservation to those living in the county. Deaths are allocated by the same type of proportion, but for the total Indian population. Natural change for each reservation is obtained by subtracting estimated deaths from the estimate of births.

b. *Net Migration:* In order to estimate a net migration rate for each reservation, a series of special tabulations of Federal income tax returns were prepared. These special tabulations produced a net migration rate more specific to Indians living on reservations. In brief, this was done by distinguishing those tax returns filed by American Indians and by identifying the ZIP codes used to deliver mail to each reservation. Net migration was tabulated for the appropriate ZIP code areas for those taxpayers classified as American Indians. This net migration was converted to a rate by dividing by the total number of American Indian taxpayers on matched returns. The total population of the reservation was multiplied by this rate to estimate total net migration.

In some cases, ZIP codes could not define Indian reservation residents. For those cases, the net migration rate for all American Indian taxpayers in the county was used. In a few cases, even this option was not viable, and some other representative rate was developed.

The estimates of births, deaths, and net migration represent population change for the period April 1, 1980 to July 1, 1982. The 1982 estimates were obtained by adding births to the 1980 Census base populations, subtracting deaths, and adding or subtracting new migration as appropriate.

II. Per Capita Income

The 1981 per capita income (PCI) of a local government for Entitlement Period 16 is the estimated mean or average amount of total money income received during calendar year 1981 by all persons residing in the given political jurisdiction in April 1982. The 1981 PCI estimates are based on data from the 1980 Census and reflect corrections to the census data as well as change in income, population, and geographic boundaries which have occurred since 1980. The 1981 PCI estimates will be published by the Bureau of the Census in one of the *Current Population Reports* series. The estimates being used for Revenue Sharing purposes may not agree exactly with all of the figures in the reports, since corrections may have been made to the data subsequent to publication.

The 1980 Census PCI data were updated to 1981 based on income data from the 1981 Federal income tax returns and State and county money income estimates prepared by the Bureau of Economic Analysis (BEA) to measure the change from 1979 to 1981.

Total money income is the sum of:

- Wage and salary income,
- Net nonfarm self-employment income,
- Net farm self-employment income,
- Interest, dividend, and net rental income,
- Social Security and railroad retirement income,
- Supplemental Security Income (SSI), Aid for Families with Dependent Children (AFDC), and other public assistance income, and
- All other income such as veteran's payments, pensions, unemployment insurance, alimony, etc.

The total represents the amount of income received before deductions for personal income taxes, social security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: money received from the sale of personal property; capital gains, the value of income "in-kind" such as food produced and consumed in the home or free living quarters; withdrawals of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

County Estimates

At the county level, 1981 PCI estimates were developed by carrying forward the 1980 Census per capita amount for each income type listed above. Census wage and salary per capita income amounts were updated using the percent change in the IRS wage and salary per exemption. For the remaining income types, the percent change in the BEA per capita amounts were used. The 1981 per capita amounts for each income type were then multiplied by the April 1, 1982 population estimates, and the resulting county income aggregates were adjusted to State income aggregates. For each county the aggregate amounts for each income, type were added to get an estimated 1981 total money income, which was then divided by the estimated population to derive the 1981 PCI estimate.

Subcounty Governmental Estimates

For all townships and municipalities, the updates were also developed using per capita amounts. Updated census estimates of Adjusted Gross Income per capita were developed using the percent change in IRS Adjusted Gross Income per exemption. The estimates for Social Security, public assistance, and other forms of transfer income were made by assuming that the 1980 Census per capita amounts for this income type grew at the same rate as that for the county.

The PCI estimates for all townships and for all municipalities outside of townships were adjusted to the county estimates to ensure conformity. The estimates for municipalities located within townships were adjusted to the township estimates.

Due to the high degree of sampling variability associated with the PCI

estimates for small geographic areas, the Bureau of the Census, after consultation with the Office of Revenue Sharing, has replaced the 1981 PCI estimates for governments (or parts of governments for multi-county places) which have 1980 census sample population of less than 100 persons with the 1981 PCI estimates for the county. Similar income adjustments were made for small places for the 1979 PCI estimates. Since this procedure was used where the 1980 sample population was below 100 persons, a government with a 1982 population estimate of 100 or more could have its PCI changed to the county PCI and a government with a 1982 population estimate of less than 100 persons could have no change.

The 1981 per capita income estimates generally relate to governmental boundaries as of December 31, 1982, and reflect all qualifying annexations through that data. In addition, later adjustments to the 1981 PCI estimates will be made for all new incorporations, disincorporations, and mergers or consolidations occurring through September 30, 1984.

III. Adjusted Taxes

The adjusted taxes for a local government for Entitlement Period 16 are the total taxes of the government in fiscal year 1983 (that government's 12-month accounting period that ended between July 1, 1982 and June 30, 1983) excluding taxes for schools and other educational purposes. The adjusted taxes data are derived from the General Revenue Sharing Survey and Survey of Local Government Finances conducted by the Bureau of the Census for fiscal year 1983.

A government's total fiscal year 1983 taxes are those which were exacted by the government, and which were collected by or for that government during fiscal year 1983. Total taxes as defined by the Bureau of the Census for general statistical purposes include a government's:

1. Property taxes—county, municipal or township taxes levied on the value of real or personal property,

2. Sales taxes—county, municipal or township taxes, either general or selective, on goods and services measured as a percent of sales or receipts, or as an amount per unit sold.

Sales taxes are of two types:

a. General sales or gross receipts taxes,

b. Selective sales or gross receipts taxes.

Examples of selective sales taxes are:

- Gasoline taxes,
- Liquor taxes,
- Cigarette and tobacco taxes,
- Public utilities excise taxes,
- Amusement taxes,
- Hotel and motel room occupancy and meals taxes.

3. Licenses, permits and other taxes—county, municipal or township taxes not included in items 1 and 2 above.

Examples of license taxes are:

- Alcoholic beverage licenses,
- Business privilege licenses,
- Motor vehicle and operators licenses,
- Hunting and fishing licenses,
- Marriage licenses,
- Inspection fees charged in connection with the granting or renewal of a license.

Examples of permits:

- Building permits,
- Permits for a business or nonbusiness privilege.

Examples of other taxes are:

- Income, payroll or earning taxes,
- Mortgatge transfer and recordation taxes,
- Severance taxes,
- Inheritance and gift taxes.

Taxes do not include receipts from service charges, special assessments not based on value, interest earnings, or fines and forfeits.

All locally imposed taxes are credited to the local government, even if there is a mandatory distribution of funds required in the enabling legislation. This holds true even if the State collects the tax as administrative agent and makes distribution directly to all participating governments. State-imposed taxes that are State-collected and retained are credited as State taxes.

An example of the handling of various State-collected taxes would be a five percent sales tax of which four percent was imposed by the State government and one percent was imposed by local governments. In such case, the amount of revenue realized by the four percent (State-imposed) portion would be credited to the State government, and the revenue from the one percent (locally-imposed) portion would be credited as local taxes. This situation should be distinguished from a wholly State-imposed tax, where part of the tax revenue is shared with local governments. An example of a shared State tax would be a five percent sales tax wholly imposed by the State government, but which provides a 20-percent share to the local government. The local government share of this State-imposed tax would be classified as an intergovernmental transfer and not as local taxes. Thus, in determining local taxes, the point of reference is the government which imposed the tax, rather than the government which expended the resulting tax revenue.

Besides the "Memphis Rule" provision described in the next paragraph, the only other exception to the foregoing description is that locally collected and retained shares of State-imposed taxes (including any collection fees retained) are classified as tax revenue of the government which collects and retains the proceeds.

Certain sales taxes imposed by counties which meet the requirements of 31 U.S.C. 6709(a)(3) may be considered to be taxes of the local governments within the county rather than the county government. The "Memphis Rule," as this section is called, applies where a county government imposes a sales tax within the geographic area of local governments within the county, and then shares part or all of the applicable tax revenue with those local governments. These taxes must be transferred by the county government without specifying the purposes for which the local governments may spend the revenues. In such cases, the governor of the State must certify to the Secretary of the Treasury that the requirements of the "Memphis Rule" are met. This certification must be made by the governor before the beginning of the entitlement period when the "Memphis Rule" is to take effect. The taxes which are transferred by the county to other local governments are then considered for Revenue Sharing purposes to be taxes of the other local governments and not the taxes of the county government.

Amounts in lieu of taxes received by a government from a utility it operates are treated as internal transfers and are excluded from taxes. Amounts in lieu of taxes received from utilities operated by other governments are reported as intergovernmental transfers.

The amount of total taxes of a local government is adjusted for Revenue Sharing purposes to exclude taxes for educational purposes. Taxes for education include those allocated for school operation or facilities, support of other public or private schools, retirement of school debt principal, interest payments on school debt, payments to a teachers' retirement system, etc.

For some governments, tax revenues for educational purposes are not separately identifiable, since education and at least one other expenditure category is financed from a general-type fund or funds containing tax revenues. In these instances, an education tax amount must be derived. The governments affected are some places in Alabama, Alaska, Maine, Maryland, North Carolina, New Jersey, New York (including New York City), Tennessee,

and generally in Connecticut and Virginia. Education taxes are calculated by multiplying the ratio of the available taxes to total available revenue amounts by the education expenditures excluding dedicated amounts. Available taxes are defined as local tax revenues not restricted to any particular expenditure category. Total available revenue amounts are the sum of unrestricted revenues, and cash and investment assets spent during the year. Dedicated amounts are monies that must be spent on one or more specified expenditure categories.

The 1983 Amendments allowed Massachusetts' local governments to include in their adjusted taxes data property taxes that were levied for fiscal year 1982, but which were not actually collected until fiscal year 1983. Governments that were credited with those taxes collected in the early months of fiscal year 1983 must ensure that these taxes are not again credited to the fiscal year 1983 collections. *Double counting of these taxes is not permitted.*

The 1983 Amendments also provide special benefits for each government with a decrease in its Revenue Sharing allocation resulting from a decline in its tax data attributable to a specific "Economic Dislocation." A government may qualify for these benefits if the following conditions exist:

1. There is a decrease in the adjusted tax data that causes a reduction of the government's Revenue Sharing allocation amounting to 20 percent or more of its allocation for the preceding entitlement period; and,

2. The decline in the tax data was caused by a specific Economic Dislocation that resulted in:

—Closing(s) of place(s) of employment; and
—Declines in assessed values of, or receipt of taxes from, real property; or
—Declines in sales or income tax collections for the government.

If a government qualifies for Economic Dislocation benefits based on the adjusted taxes data of record in the Period 16 estimated allocation provided in the Data Improvement Program and the Period 15 initial allocation, the adjusted taxes data for the preceding entitlement period will be used in place of the current adjusted taxes data to determine the government's allocation of Revenue Sharing funds.

IV. Intergovernmental Transfers of Revenue

Intergovernmental transfers for Entitlement Period 16 are amounts received by a government from other governments in fiscal year 1983 (the government's 12-month accounting period that ended between July 1, 1982 and June 30, 1983) for use either for specific functions or for general financial support. This amount is derived from the General Revenue Sharing Survey and Survey of Local Government Finances conducted by the Bureau of the Census for fiscal year 1983. The figure includes grants, shared taxes, contingent loans and reimbursements for tuition costs, hospital care, construction costs, etc. Intergovernmental revenue does not include amounts received from the sale of property, commodities, or utility services to other governments, or Federal Revenue Sharing entitlement funds.

A limited number of the data definitions are available upon request from the Office of Revenue Sharing.

Authority: This notice is issued under the authority of Title 31 of the United States Code (31 U.S.C. 6701–6724) and Treasury Department Order No. 224, dated January 26, 1973 (33 FR 3342), as amended by Treasury Department Order No. 103–1, dated March 18, 1982).

Dated: June 7, 1984.

Michael F. Hill,

Director, Office of Revenue Sharing.

[FR Doc. 84–15804 Filed 6–12–84; 8:45 am]

BILLING CODE 4810–28–M

UNITED STATES INFORMATION AGENCY

Book and Library Advisory Committee; Meeting

The Book and Library Advisory Committee will meet on Wednesday, June 13, 1984, from 9:30 a.m. to 4:00 p.m., in the East Dining Room (sixth floor, Madison Building), Library of Congress, Washington, D.C., to discuss a study for a new book initiative. The public is welcome, but seating is limited. Please contact Louise Wheeler at (202) 485–8890 for further information.

Dated: June 11, 1984.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 84–15971 Filed 6–11–84; 4:09 pm]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 115
Wednesday, June 13, 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

CIVIL AERONAUTICS BOARD

[M-406, 6/7/84]

TIME AND DATE: 10:00 a.m., June 14, 1984.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washinton, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket 41686, EDR-466C, Notice of Proposed Rulemaking on Computer Reservations Systems and EDR-471 Advance Notice of Proposed Rulemaking on Selection and Display of Connecting Flights. Request for Instructions. (OGC, BDA)
3. Docket 41971, Petition to simplify and consolidate counter sign notice requirements. (Memo 2337-A, OGC, BDA, OCCCA, BIA)
4. Board comments on a bill to improve air transportation at small communities. (OGC, BDA, OCCCA)
5. Commuter carrier fitness determination of N.M. Mitchell, Inc. d/b/a Wise Airlines. (Memo 2370, BDA)
6. Revocation of air carrier certificates of Amerford Airways, Inc.; Cochise Airlines, Inc.; Gem Investors, Inc. d/b/a Golden Gate Airlines; Modern Airways, Inc.; Petroleum Air Transport, Inc. d/b/a Pat Air; and Pinehurst Airlines, Inc. (Memo 2369, BDA, OGC)
7. Docket 41732, Application of Armstrong Air Service, Inc., under Subpart Q for certificate authorizing scheduled passenger and all-cargo service in Alaska. (Memo 2371, BDA)
8. Docket 41972, Application of 40-Mile Air, Ltd., under Subpart Q for a certificate authorizing scheduled passenger service in Alaska. (Memo 2364, BDA)
9. Docket 41401, Application of Aviation Associates Limited d/b/a Westflight Aviation for certificate of public convenience and necessity to engage in scheduled interstate air transportation within Alaska. (BDA)
10. Docket 34681, Petition of ANA, Ltd., d/b/a Air North for reconsideration of Order 83-9-117, denying its petition to reopen the Upper New York State selection Case and for retroactive subsidy. (Memo 2375, BDA, OGC, OCCCA)
11. Docket 42112, Ninety-day notice of Metroflight, Inc. to suspend service at Enid, Ponca City and Stillwater. (Memo 2378, BDA, OCCCA)
12. Docket 41568, Transwestern Airlines of Utah's notice to suspend all service between Twin Falls and Boise, Idaho, Idaho. (Memo 2014-C, BDA, OCCCA, OC)
13. Docket , Essential air service for Kingman and Prescott, Arizona. (Memo 2365, BDA, OCCCA, OC)
14. Docket EAS-795, Appeal of the essential air service determination for Olympia, Washington. (Memo 2005-A, BDA, OGC, OCCCA)
15. Docket 40328, Northern Airlines, Inc., petition for reconsideration of Order 84-3-21 setting final rate of compensation at Pierre, South Dakota. (Memo 884-M, BDA, BCAA, OCCCA, OGC, OC)
16. Docket 40804, Application of Rio Airways for compensation for losses at Hot Springs, Arkansas. Docket 40875, Application of Rio Airways for compensation for losses at Temple, Texas. (Memo 1413-D, BDA, OCCCA, BCAA, OC)
17. Docket 37294, *Priority and Nonpriority Domestic Service Mail Rates Investigation.* (Memo 343-V, BIA)
18. Docket 40751, In the Matter of Intra-Hawaii Service Mail Rates. (Memo 351-G, BIA)
19. Docket 38691, In the Matter of Intra-Alaska Class Service Mail Rates. (Memo 2377, BIA)
20. Docket 37292, *Transatlantic, Transpacific and Latin America Service Mail Rates Investigation.* (Memo 2379, BIA)
21. Docket 37554, Pan American motion for review of the amount of upward flexibility accorded under the Standard Foreign Fare Level policy in U.S.-India (via Atlantic) markets. (Memo 048-Y, BIA)
22. Undocketed, Order requiring BWIA and Caricargo to obtain prior approval before operating any charter flight between the United States and Trinidad and Tobago. (Memo 2372, BIA, OGC)
23. U.S.—Korea Negotiations. (BIA)
24. Report on Luxembourg. (BIA)
25. Report on Greece. (BIA)
26. Report on Jamaica. (BIA)
27. Report on the United Kingdom. (BIA)
28. Negotiations with Canada. (BIA)
29. Negotiations with Brazil. (BIA)
30. Discussion on Peru. (BIA)

STATUS: 1-22 Open, 23-30 Closed.

PERSONS TO CONTACT: Phyllis T. Kaylor, *The Secretary*, (202) 673-5068.

[FR Doc. 84-15893 Filed 5-11-84; 8:45 am]
BILLING CODE 6320-01-M

2

[USITC SE-84-26A/28]

INTERNATIONAL TRADE COMMISSION "FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 23476 (June 6, 1984).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m.,/2:30 p.m., Tuesday, June 12, 1984.

CHANGES IN THE MEETING: Rescheduling of Item No. 6 as follows:

In conformity with 19 CFR 201.37(b), Commissioners Eckes, Stern, Lodwick, Liebeler, and Rohr determined by recorded vote that Commission business requires the escheduling of item No. 6 [Investigation TA-201-52 (Unwrought Copper)—briefing and vote on injury] from the meeting of Tuesday, June 12, 1984, to a meeting to be held on Thursday, June 14, 1984, at 11:00 a.m., in Room 331 (Hearing Room), affirmed that no earlier announcement of the rescheduling of the agenda item was possible, and directed the issuance of this notice at the earliest practicable time. Commissioner Haggart did not participate in the vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, *Secretary*, (202) 523-0161.

[FR Doc. 84-15904 Filed 6-11-84; 8:52 am]
BILLING CODE 7020-02-M

3

INTERNATIONAL TRADE COMMISSION

[USITC SE-84-27]

TIME AND DATE: 2:30 p.m., Wednesday, June 20, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
   a. Fruit preserves in containers having lids with gingham cloth design (Docket No. 1056).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, *Secretary*, (202) 523-0161.

[FR Doc. 84-15905 Filed 6-11-84; 8:52 am]
BILLING CODE 7020-02

4

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and exchange Commission will hold the following meetings during the week of June 18, 1984, at 450 Fifth Street, NW., Washington, D.C.

A closed meeting will be held on Tuesday, June 19, 1984, at 10:00 a.m. An open meeting will be held on Thursday, June 21, 1984, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Treadway, Cox and Marinaccio voted to consider the times listed for the closed meeting in closed session.

The Subject matter of the closed meeting scheduled for Tuesday, June 19, 1984, at 10:00 a.m., will be:

Formal orders of investigation.

Settlement of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, June 21, 1984, at 2:30 p.m., will be:

1. Consideration of whether to withdraw the Commission's proposed rule 24a–1 to define for purposes of section 24(a) of the securities Exchange act records "obtained by the Commission." For further information, please contact Kevin Fogarty at (202) 272–2432.

2. Consideration of whether to issue a release soliciting comments on various concepts and proposals surrounding two-tier pricing in tender offers and open market or privately negotiated purchase programs. Included in the release is an analysis of the Commission's chief Economist on partical and two-tier tender offers in 1981–1983. The release is part of a Commission study in this area which has evolved from certain recommendations by the Commission's Advisory Committee on Tender Offers. For further infromation, please contact David Martin, Jr. at (202) 272–2573.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Kohn at (202) 272–3195.

George A. Fitzsimmons,

Secretary

June 8, 1984..

[FR. Doc. 84–15942 Filed 6–11–84; 12:26 pm]

BILLING CODE 8010–01–M

federal register

Wednesday
June 13, 1984

Part II

Environmental Protection Agency

40 CFR Part 455

Pesticide Chemicals Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards Availability and Request for Comments

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 455

[WH-FRL-2602-7]

Pesticide Chemicals Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability and request for comments.

SUMMARY: EPA proposed regulations on November 30, 1982 to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from pesticide chemical manufacturing and formulating/packaging facilities. The public comment period on these proposed regulations closed on March 2, 1983. In response to the public comments on these proposed regulations, EPA has expanded the data base supporting these regulations and is considering making changes to the methodology underlying the proposed regulations. EPA announces today the availability for public review of technical and economic data and supportive documentation gathered and developed subsequent to proposal of the regulations. EPA is requesting comments on these supplementary record materials and on the Agency's preliminary analysis of how these materials might influence final rulemaking.

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

ADDRESSES: Send comments to Mr. George M. Jett, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C., 20460, Attention: EGD Docket Clerk. The supporting information is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear), (PM-213). The comments will be made available as they are received. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. George Jett (202) 382-7180 for information regarding the technical data, and Ms. Josette Bailey (202) 382-5382 for information regarding the economic data.

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I. Summary of Proposed Regulation

A. Background

On November 30, 1982, EPA proposed regulations to control the discharge of wastewater pollutants from pesticide chemical operations to navigable waters and to publicly owned treatment works (POTWs) (47 FR 53994). The proposed regulations included effluent limitations guidelines based upon the best practicable control technology currently available (BPT), the best conventional technology (BCT), the best available technology economically achievable (BAT), new source performance standards (NSPS), pretreatment standards for existing sources (PSES), and pretreatment standards for new sources (PSNS). The proposed effluent limitations guidelines and standards regulated both the manufacturing segment and the formulating/packaging segment of the pesticide chemical industry. The comment period for these proposed regulations originally closed on January 31, 1983, but was extended until March 2, 1983 to allow industry more time to submit additional date.

B. BPT

The BPT proposed effluent limitations guidelines were based on biological oxidation preceded by pesticide removal (which was based on hydrolysis or adsorption onto materials such as activated carbon) where required to reduce pesticide concentrations to allow proper operation of biological treatment. BPT limitations were proposed for discharges of BOD, COD, TSS and pH for 21 pesticide processes which were excluded from the BPT regulations promulgated on September 29, 1978.

C. BAT

EPA proposed BAT based on the proper operation of the BPT technologies with the addition of steam stripping, chemical oxidation, activated carbon, and/or metals separation as required for priority pollutant and pesticide removal. Discharges from the manufacture of 34 different priority pollutants and 101 individual nonconventional pesticides were limited by the proposed BAT effluent limitations guidelines. Discharges from the manufacture of 25 of the 101 pesticides were limited to no discharge of process wastewater pollutants.

For the metallo-organic and the formulator/packager subcategories EPA proposed BAT effluent limitations guidelines to be the same (no discharge of process wastewater) as the effluent limitations guidelines established under BPT.

D. PSES

EPA proposed PSES for the manufacturing segment of the pesticides industry based upon the pretreatment technology of pesticide removal (carbon/resin adsorption or hydrolysis) in addition to steam stripping, chemical oxidation, or metals separation, as required. The priority pollutant and

nonconventional pesticide pollutants proposed for PSES were the same as those regulated under BAT. However PSES were less stringent than the BAT effluent limitations guidelines. EPA had rejected the option of requiring biological treatment prior to indirect discharge for the proposed PSES because EPA believed that it would not be economically achievable.

EPA proposed no discharge of process wastewater as the pretreatment standard for existing indirect discharge pesticide chemicals formulator/packagers and metallo-organic pesticide chemicals manufacturers. The Agency assumed that these indirect dischargers would conduct the same types of operations and would incur the same levels of costs as the direct dischargers for whom zero discharge BPT effluent limitations guidelines and standards were promulgated in 1979.

E. New Sources

EPA proposed NSPS for direct dischargers equal to BAT, based on the same technologies of pesticide removal followed by biological treatment, stream stripping, chemical oxidation and/or metals separation, as required. In addition, standards for discharges of BOB, COD, TSS, pH and the 36 nonconventional pesticide pollutants previously regulated in BPT were proposed for new sources.

EPA also proposed no discharge of process wastewater as the basis for NSPS for direct discharge pesticide chemcials formulating/packaging facilities and metallo-organic pesticide chemicals manufacturers.

The pretreatment technologies which EPA proposed for PSNS were the same as those proposed for PSES. The priority and nonconventional pesticide pollutants proposed for control under PSNS were the same as those proposed for regulation by PSES.

F. BCT

Best conventional technology effluent limitations guidelines (BCT) were proposed as zero discharge for metallo-organic pesticide producers, pesticide formulatory/packagers, and certain pesticide chemicals manufacturers which currently achieve zero discharge. The BCT regulations for the remainder of the pesticide chemicals category were reserved.

G. Analytical Methods

In addition to the proposed manufacturer and formulator/packager regulations, guidelines for proposed test procedures to analyze the nonconventional pesticide pollutants covered by these regulations were proposed on February 10, 1983. (48 FR 8250). The comment period for these regulations expired on April 11, 1983. Both the guidelines for establishing analytical methods as well as the effluent limitations guidelines and standards for the pesticide industry will be combined and promulgated in the final rulemaking package.

H. Pollutants and Process Segments Excluded From Regulation

EPA proposed to exclude 70 toxic pollutants from these regulations pursuant to the criteria set forth in the Settlement Agreement in *Natural Resources Defense Council, Inc. v. Train*, 8 ERC 2120 (D.D.C. 1976), modified 12 ERC 1833 (D.D.C. 1979). See Appendix E, 47 FR 54011.

In addition, EPA propsed to exclude three priority pollutants from regulation in processes other than those in which they were the manufactured product because the discharge of these pollutants would be effectively controlled by the regulation and control of another priority pollutant. EPA did not propose to regulate 22 other priority pollutants because adequate monitoring and/or control data were not available. The Agency also proposed to reserve 125 nonconventional pesticides from regulation pending the development of analytical methods and the collection of additional data. (See 47 FR 54012, Appendix G).

II. Major Issues Raised in Comments

The Agency received numerous comments on the proposed regulations. These comments criticized data and analyses that were fundamental to the regulations, thereby prompting the Agency to verify its data base and to reconsider many aspects of the regulations. Interested persons are urged to review the rulemaking record for all issues raised in comments. Listed below are those issues that were of greatest concern to commenters and that warranted further study by the Agency.

A. Process Chemistry Changes/ Subcategorization

Many commenters criticized the Agency's evaluation of the process chemistry analysis of pesticide active ingredients being considered for regulation. The process chemistry evaluation was used to determine which priority pollutants were present or likely to be present in pesticide industry wastewaters. The Agency then subcategorized the industry based on the presence or absence of these pollutants and costed the corresponding recommended treatment technologies. These commenters recommended that the process chemistry evaluations for specific pollutants be revised because the Agency had incorrectly identified priority pollutants as being associated with specific pesticides. They also alleged that the discharges from their facilities were improperly subcategorized based upon erroneous process chemistry evaluations and characterized the Agency's subcategorization approach as confusing. The Agency's preliminary response to these comments is addressed in Section IV (A) of this notice.

B. Water Use

Several commenters challenged EPA's conclusions underlying the flow-reduction aspects of the proposed mass-based effluent limitations guidelines and standards for the priority pollutants and nonconventional pesticides. They alleged that they were unable to reduce their flows to meet these mass-based effluent limitations guidelines and standards. The commenters indicated that effluent limitations guidelines and standards should be concentration rather than mass-based. The Agency's preliminary response to this comment is addressed in Section IV (B) of this notice.

C. Exclusion of Data

Commenters claimed that the Agency did not use all plant data concerning pollutant removals of the recommended treatment technologies underlying the proposed effluent limitations guidelines and standards. The commenters asserted that EPA selected only the data set which represented the highest pollutant removal rates for a given facility and did not consider the other data sets which were available. Also, many commenters claimed that portions of the Agency's data base were erroneous. The Agency's preliminary responses to these comments are addressed in Sections III and IV (D) of this notice.

D. Guideline Methodology for Nonconventional Pesticides

One commenter criticized the Agency's methodology of selecting the value for the least treatable nonconventional pesticide in each subcategory as the achievable value for the effluent limitations guidelines and standards for all nonconventional pesticides in the particular subcategory. The commenter suggested that each nonconventional pesticide should be given its own value rather than the value for the least treatable pesticide in the subcategory. The Agency's

preliminary response to this comment is addressed in Section IV (C) of this notice.

E. Formulator/Packagers and Metallo-Organic Producers

Many commenters challenged the assumption underlying the zero discharge standard proposed by EPA for indirect discharge facilities which formulate and/or package pesticides, alleging that such a standard was impossible to achieve. They challenged the Agency's use of the BPT direct discharge formulator/packagers data base for indirect discharge formulator/packagers and claimed that the indirect discharge formulator/packagers differ from the direct discharge formulator/packagers. Commenters also criticized the inclusion on *non*-agricultural pesticide products within the scope of the formulator/packager segment of the regulation.

Another commenter criticized the zero discharge standard proposed by EPA for manufacturers of pesticide metallo-organics. The commenter suggested that the Agency develop an alternative treatment system for discharges of pesticide metallo-organics from this facility.

The Agency's preliminary response to these comments is addressed in Sections V and VII of this notice.

F. Additional Issues

The following additional concerns were raised by commenters: (1) Several commenters requested that the Agency clarify whether research facilities would be regulated under the proposal. (2) A commenter argued that the Agency improperly excluded certain pollutants from the regulation. (3) Many commenters criticized the July 1, 1984 compliance date for PSES as being unreasonable. These commenters requested additional time to install the equipment necessary to meet the regulations. (4) Many commenters criticized the Agency's effluent limitations guidelines and standards for pH as being inconsistent with the provisions in 40 CFR Part 401. (5) Several commenters criticized the costs developed for contract hauling and for compliance with RCRA.

The Agency's preliminary response to these comments is addressed in Section VI.

III. Additional Data Collection and Review

Since commenters had criticized the data and supporting material relied upon in proposing these regulations, EPA reviewed the data base and all documentation supporting the proposed rulemaking. All data points were examined for background documentation, accuracy and applicability. In its review of the data base, the Agency corrected any errors relating to previously reported data, including but not limited to water use rates, raw and treated waste loadings, production levels, recycle ratios, applicability of zero discharge limitations, and costs of appropriate treatment technologies. As discussed below, the Agency has also reviewed and verified additional data acquired subsequent to the proposal and where appropriate, supplemented the data base supporting these regulations.

A. Pesticide Manufacturers

Since proposal the Agency has acquired a significant amount of new data for the manufacturing segment of the pesticide chemicals industry. During the comment period, EPA received over 5000 additional influent and effluent data points concerning the treatment of nonconventional pesticides and priority pollutants. In addition, EPA conducted an extensive program to obtain data verifying the comments received on the major issues raised during the comment period. This program involved mailing requests for information to facilities which commented on the proposed regulation, but provided incomplete data to support their comments, and conducting follow-up phone calls where appropriate. Furthermore, EPA gathered and reviewed additional literature studies containing information on the physical and chemical properties of the nonconventional pesticides.

The Agency also utilized data on priority pollutants from the pharmaceuticals and organic chemicals and plastic and synthetic fibers (OCPSF) industrial categories. Processes in these industries are similar to those in the pesticides industry and the proposed effluent limitations guidelines and standards for the OCPSF, pharmaceuticals, and pesticides categories are based on the same treatment technologies. The Agency compared the data from the three industries and found that the pollutants being discharged from these industries are similar and that the treated effluent levels from well operated plants in these industries are not significantly different. As a result of this transfer of performance data, data on biological treatment from approximately 23 plants in the OCPSF industrial category and physical/chemical treatment data on methylene chloride from one pharmaceutical plant were added to the pesticide data base. A complete discussion of the Agency's basis for transferring performance data from these industries is in Section II.B.1. in the Record of the Notice (hereafter "the Record").

B. Packager/Formulators

Since proposal EPA has also acquired new data on the Formulator/Packager segment of the industry. The Agency, in cooperation with representatives from industry and trade associations such as the Chemical Specialties Manufacturers Association (CSMA), National Agricultural Chemical Association (NACA), and the Pesticide Producers Association (PPA), developed a questionnaire for the indirect discharge formulator/packagers. This questionnaire was mailed to 221 indirect discharge formulator/packagers. These questionnaire solicited information on volumes of wastewaters, methods and costs for disposing of these wastewaters, discharges of both nonconventional and toxic pollutants, the types to treatment in place at the facility and the viability and achievability of the zero discharge standard. Where appropriate, EPA also made follow-up telephone calls to clarify some questionnaire responses.

C. Analytical Methods

Commenters provided the Agency with 13 additional test methods to analyze the nonconventional pesticides regulated by the proposed effluent limitations guidelines and standards. The Agency has reviewed and analyzed these test methods.

IV. Preliminary Technical Analysis

The purpose of this notice is to make available for public review and comment the additional data and information that have been gathered since proposal of the effluent limitations guidelines and standards for the pesticide industry and to inform the public of the Agency's preliminary analysis of how the newly verified and supplemented data base may influence final rulemaking for the pesticide industry. The following preliminary analysis is made available by the Agency to ensure the fullest possible public participation in the development of this regulation.

A. Process Chemistry/Industry Subcategorization

The Agency conducted process chemistry evaluations of pesticides by examining proprietary process chemistry diagrams supplied by manufacturers, by reveiwing supplemental literature on each process, and by analyzing process conditions

such as pH, temperature, and reaction time, and raw materials specifications where available.

In the proposed regulation the Agency relied on these process chemistry evaluations and actual data to determine which priority pollutants are present or likely to be present in each pesticide process. Pesticides that produce similar classes of priority pollutants were placed in the same subcategory.

The process chemistry evaluations were also used to establish which priority pollutants were contained in the discharge from the manufacture of each pesticide active ingredient. Subpart O of the proposed regulation provides for each pesticide a list of the priority pollutants that are present or likely to be present in that pesticide process. Under the proposed regulation, manufacturers of specific pesticides would have been required to meet the effluent limitations guidelines and standards for the priority pollutants listed in Subpart O for that pesticide. If the same priority pollutant was regulated in more than one subcategory, the proposed effluent limitations guidelines and standards for the specific priority pollutant were the same in each subcategory.

Thirteen subcategories were identified in the proposed regulation. Discharges from the manufacture of pesticides were placed in 1 of 11 subcategories depending upon the differences in the types of priority pollutants regulated and the treatment technologies. Indirect discharges from the manufacture of metalloorganic pesticides, mercury, copper, cadmium and arsenic-based products, were placed in Subcategory 12 and indirect discharges from Formulator/Packagers were placed in Subcategory 13. Further discussion of the subcategorization scheme and the process chemistry evaluation used at proposal is presented in Sections V and VII of the technical development document (EPA 440/1–82/079–b).

The Agency received many comments criticizing the process chemistry evaluations for particular pesticides and the subcategorization scheme. These commenters claimed that some priority pollutants listed in Subpart O are either not found or should not be found in the pesticide process wastestream and that dischargers that manufacture these pesticides should, therefore, be placed in another subcategory. Many commenters also criticized the overall subcategorization approach as being confusing.

In response to these comments, the Agency reexamined and modified some of the process chemistry evaluations. The detailed process chemistry evaluations have been claimed confidential and are maintained in the confidential portion of the record. However, the coded results from the reexamination of the process chemistry evaluations are presented in II.B.1. of the Record. Appendix C of this regulation comprises Subpart O and any revisions to Subpart O based on process chemistry modifications. The Agency is soliciting comments on these modified process chemistry evaluations.

The Agency is also reevaluating the proposed subcategorization approach and is considering reducing the number of subcategories to three. These three subcategories are: (1) Pesticide Chemicals Manufacturers (2) Metallo-Organic Pesticide Chemicals Manufacturers and (3) Pesticide Chemicals Formulator/Packagers. The pesticide chemicals manufacturing subcategory would be comprised of proposed subcategories 1–11. The metallo-organic and pesticide chemicals formulator/packagers subcategories would be identical to their respective proposed subcategories, 12 and 13.

The Agency is considering consolidating subcategories 1–11 into a single manufacturing subcategory in order to simplify the subcategorization approach. The manufacturing subcategory would set forth effluent limitations guidelines and standards for all of the regulated priority pollutants, conventional pollutants, and nonconventional pesticides. In order to determine which pollutants are regulated for the manufacture of a specified pesticide, a manufacturer would consult Appendix C of this notice which reflects the modified process chemistry evaluation.

The Agency believes that this modified subcategorization approach would adequately characterize the pesticide chemicals industry and facilitate the implementation of the regulation. The proposed subcategorization change would not alter the significance of Subpart O in determining the specific effluent limitations guidelines and standards applicable to a manufacturer discharging pesticides. This modified subcategorization approach would not cause the Agency to regulate any additional pollutants.

B. Water Use

At proposal the Agency required affected plants to achieve mass-based effluent limitations guidelines and standards for priority pollutants, conventional pollutants and nonconventional pesticides. Under a mass-based approach, allowable discharges are measured as pounds of each regulated pollutant per 1,000 pounds of pesticide production (expressed as lbs/1000 lbs of product).

In the proposed regulations the Agency calculated the mass-based effluent limitations guidelines and standards for conventional and priority pollutants by using a flow ratio of 4,500 gal/1,000 lbs of pesticide active ingredient. The mass-based limitations for the nonconventional pesticides were based on the flow ratios derived from the plant or plants producing a specific pesticide. A detailed discussion of the derivation of mass-based limits can be found in Section V of the proposed technical Development Document (EPA 440/1–82/079–b).

Many commenters alleged that they had flows exceeding those specified and that they were unable to reduce their flows to the levels required by the proposed regulation. In response to these comments, EPA reviewed its methodology for deriving mass-based effluent limitations guidelines and standards.

In general, EPA has preferred mass-based limitations and standards to achieve the effluent reduction benefits associated with flow reduction and to prevent the substitution of dilution for treatment. However, concentration-based effluent limitations guidelines and standards have been used in other industries where production and flow are not correlated. In the pesticide industry, production and flow may vary from day to day or hour to hour. Many plants tend to employ batch processing of their products and their products may change frequently. In addition, many plants produce pesticides which are not produced at other facilities. Consequently, the production processes at one facility do not directly relate to another facility in terms of water use and pollutant generation. The Agency is, therefore, as part of this national rulemaking unable to develop separate water use rates for each pollutant based on appropriate flow reduction technology for the facilities covered by this regulation. EPA, therefore, is considering using concentration-based effluent limitations guidelines and standards for priority pollutants, conventional pollutants, and nonconventional pesticides.

EPA is concerned that concentration-based limitations and standards may allow facilities to substitute dilution for treatment. However, EPA believes that dilution of process wastewaters by non-process wastewaters can be minimized by requiring the permit writer or the POTW to establish mass-based limits. Therefore, the Agency is considering

requiring the permit writer or the POTW to set mass-based limits by multiplying the plant's process wastewater flow subject to the pesticide regulation by the concentration-based effluent limitations guidelines and standards. See Section II.B.1. in the Record. EPA is considering adding a new Section to the regulation to read as follows: Any point source subject to this regulation must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentrations in either Appendix A or B as appropriate.

C. Methodology for Nonconventional Pesticide Limitations

The proposed effluent limitations guidelines and standards for the 137 nonconventional pesticides were derived by utilizing the "least treatable" concept. Individual pesticides were grouped into subcategories based on the presence or absence of priority pollutants in their discharge and on the technologies required to treat these priority pollutants. The Agency evaluated each nonconventional pesticide in a subcategory to determine the long term average concentration which could be achieved for that specific pesticide by using the recommended treatment technology. The nonconventional pesticide that was least treatable within a specific subcategory (treated to the least stringent level) determined the long term average concentration for all the nonconventional pesticides in the subcategory. This resulted in all nonconventional pesticides in a subcategory having the same proposed effluent limitations guidelines and standards.

One commenter criticized this methodology for deriving effluent limitations guidelines and standards for nonconventional pollutants. This commenter suggested that each nonconventional pesticide should be given its own value rather than the value derived for the least treatable pesticide in the subcategory. In response to this comment, the Agency is considering revising its methodology by establishing individual effluent limitations guidelines and standards for each nonconventional pesticide. The Agency believes that this approach would more accurately reflect the achievable removals of the treatment technologies specified in the proposed regulation for nonconventional pollutants and would result in greater levels of nonconventional pollutant removal than would the previously used "least treatable" methodology. The Agency has evaluated the costs necessary to achieve these revised limitations and standards. These costs, on a plant-by-plant basis, are set forth in Sections II.B.1 and IV.B of the Record. A more detailed explanation of the methodology for deriving the effluent limitation guidelines and standards for nonconventional pollutants is contained in Section IV.D below and in Section II.B.1 of the Record. EPA is specifically soliciting comments on this methodology.

D. Performance of Treatment Systems Considered for Final Regulation

In response to comments and in view of the additional data which has been collected, the Agency is considering revising the methodology used to develop the effluent limitations guidelines and standards for the manufacturing segment of the pesticide industry. The important aspects of this revised methodology are: selection of data to be utilized; definition of best performance plants; development of pollutant long term averages; and derivation of effluent variability factors.

1. Selection of the Data Base to be Utilized

A revised data base has been assembled since proposal, including data provided during the comment period, data received as a result of Agency questionnaires and telephone follow-ups, data from the OCPSF industry verification and five plant study, and data from the pharmaceuticals industry. The Agency has also revised the pre-proposal data base. Prior to proposing the pesticides regulations, the Agency had aggregated each plant's data into data sets to reflect the various data sources relied upon by the Agency. In developing the proposed effluent limitations guidelines and standards, the Agency had selected only one data set for each plant and disregarded other available data sets. In response to comments criticizing this data selection methodology, the Agency is modifying the preproposal data base to include all data sets for each facility.

The Agency is editing the revised data base to remove all data for nonregulated pollutants and all data not conforming with minimum quality assurance standards. See Section II.B.1 of the Record. Additionally, all treatment unit influent measurements for a pollutant less than 0.100 mg/l were deleted along with the corresponding effluent measurements (i.e., made on the same day). This editing criterion has been used by the Agency in developing regulations for other industries to insure that data used reflects pollutant removal. A complete discussion of data editing is in Section II.B.1 of the Record.

2. Identification of Best Performance Treatment Systems

The Agency is evaluating the edited data base in order to define those plants with well designed and operated treatment systems. Each individual treatment system at each plant is being examined in terms of its design and performance to select best performance systems. A treatment system is defined as "best performance" if the system meets the treatment performance criteria for any regulated pollutant for which the treatment system is designed. See Table 1.

TABLE 1.—BEST PERFORMANCE CRITERIA

Treatment system	Pollutant	Criteria
Biological oxidiation.	BOD	>95% removal or <50 mg/l effluent.
	COD	>70% removal or <586 mg/l effluent.
Steam stripping	Volatile aromatics, Halomethanes, haloethers, chlorinated ethanes, chlorinated benzenes.	>90% removal or 1-5 mg/l effluent.
Activated carbon.	Pesticides	>95% Removal.
	Phenols, dienes, nitrosamines.	>99% Removal or <1 mg/l effluent.
Resin adsorption.	Pesticides	>95% removal.
	Phenols, dienes, nitrosamines.	>99% removal or <1 mg/l effluent.
Hydrolysis	Pesticides	>95% removal or <1 mg/l effluent.
Chemical oxidation.	Cyanide	>99.6% removal or <0.04 mg/l effluent.
Metals separation.	Zinc, copper	>95% removal or <0.5 mg/l effluent.

These performance criteria are based on engineering evaluations of detention time, loading rate and other design criteria that were identified in Section VI of the 1982 Pesticide Development Document. Approximately half of the treatment systems in the data base meet these criteria. The systems that do not meet these criteria are achieving significantly lower removals which reflect inadequate treatment. Treatment systems which meet these performance criteria for one pollutant are used as best performance systems for the other pollutants which are present and for which the treatment system are designed as indicated in Table I. The Agency solicits comments on these criteria and the approach used for selecting best performance systems.

3. Application of Best Performance Data to Guidelines Development

The Agency is using the data from these best performance treatment

systems to develop revised effluent limitations and standards. The methodology for developing these revised limitations and standards is discussed below. The methodology differs in several important respects, depending on whether priority pollutants or nonconventional pesticides are concerned.

BAT effluent limitations guidelines for Priority Pollutants. The Agency is considering revising the BAT effluent limitations guidelines for priority pollutants as specified in Appendix A. To arrive at these revised effluent limitations guidelines, the Agency is first evaluating the removal of priority pollutants by well operated biological treatment units. The Agency is using data from best performance biological treatment systems to calculate a long term average effluent value for each priority pollutant. The long term average values are estimates of average pollutant levels expected to be found in treated effluent from well-operated biological systems with varying influent priority pollutant levels. These long term average values are the basis for the BAT effluent limitations guidelines.

For most pollutants, data from more than one best performance system for a specific priority pollutant are used to calculated the long term average. In seven cases, however, biological performance data for specific priority pollutants are unavailable. Therefore, for these pollutants the Agency is transfering long term averages from structurally similar compounds. The Agency believes that this transfer of performance data is acceptable because structurally similar compounds can be treated by the same technology to the same level.

The Agency then examines the average influent concentration for each priority pollutant in each of the best performing biological systems to determine the highest average influent concentration associated with an average treated effluent concentration less than or equal to the long term average for the priority pollutant. These influent values are termed "trigger values". The trigger value is the highest influent level treatable with biological treatment alone. If a plant has an influent value higher than the trigger value, then physical/chemical treatment prior to biological treatment is recommended and costed as part of the model treatment technology. The physical/chemical treatment should reduce the priority pollutant below the trigger value. In order to determine the appropriate physical/chemical preliminary treatment, the Agency is examining each regulated plant. The treatment systems that are recommended and costed for each pollutant are set forth in Section II.B.3 of the Record. The Agency did a plant by plant analysis of the costs a facility would incur to meet BAT. In some instances where plants did not have biological treatment installed, the Agency determined that it was less costly to install *only* physical/chemical treatment, rather than physical/chemical plus biological treatment to meet the BAT effluent limitations guidelines. The Agency solicits comments on this approach.

Pretreatment Standards for Priority Pollutants. Pretreatment standards are established to prevent the discharge of any pollutant through publicly owned treatment works (POTW) which interferes with or passes through the POTW. In developing the proposed pretreatment standards, the Agency did not perform a pass through analysis but set pretreatment standards for all the priority pollutants regulated under BAT at a level less stringent than the BAT level in order to reflect the fact that PSES were based only on physical/chemical treatment. The Agency did not propose to base PSES on biological treatment because it was believed to be economically unachievable.

The Agency is considering revising its methodology for setting PSES for this industry. As part of this revised methodology, the Agency is performing a pass through analysis. To identify the pollutants which pass through a POTW, the Agency evaluates each pollutant and compares the average percent removal of the BAT treatment system for direct dischargers to the average percent removal obtained by well operated POTWs achieving secondary treatment. In making this comparison EPA is using the 50 plant study located in Section II.B.1 of the Record. As a result of this pass through analysis, EPA has found that six of the priority pollutants previously regulated in the proposed PSES (1,2-dichloroethane, tetrachloroethylene, benzene, toluene, chlorobenzene, and phenol) do not pass through the POTW. The Agency is, therefore, not considering setting PSES for these six pollutants.

EPA is considering revising its methodology for deriving the proposed pretreatment standards for the remaining 28 pollutants by setting PSES equal to the BAT effluent limitations guidelines. However, the PSES model treatment technology differs from the BAT model treatment technology. The recommended BAT model treatment technology is generally physical/chemical treatment followed by biological oxidation. The recommended PSES model treatment technology is physical/chemical treatment. The Agency did a plant by plant analysis of the costs a facility would incur to meet PSES using the recommended model treatment technology. The treatment technologies and the associated costs are in Sections II.B.1 and IV.B of the Record. The revised PSES are set forth in Appendix A.

BAT Limitations for Nonconventional Pesticide Pollutants. The Agency is considering revising the proposed BAT effluent limitations guidelines for nonconventional pesticides, as specified in Appendix B. As discussed previously in Section IV.C of the Notice, the Agency is considering developing individual limitations for each non-conventional pesticide rather than relying upon one "least treatable" number for all pesticides within a subcategory. To arrive at individual effluent limitations for non-conventional pesticides, the Agency is first evaluating the removal of each pesticide by physical/chemical treatment units. Since these pesticides are often toxic to biological systems, the Agency believes that physical/chemical treatment is a necessary component of the recommended model treatment technology for the removal of nonconventional pesticides. Many plants in the industry have already installed physical/chemical treatment prior to biological treatment to protect their biological systems from these pesticides. These systems however, do not necessarily reflect BAT levels of pesticide removal. The Agency is evaluating these physical chemical treatment units according to the performance criteria set forth previously in Table I in order to identify "best performers".

For those nonconventional pesticides lacking best performance data, the Agency is transferring technology and the performance of that technology from structurally similar compounds with best performance data. The Agency is transferring data from a variety of sources according to the hierarchy of data sources described in Table II. This hierarchy lists the order of preference in which data are used in developing the effluent limitations guidelines and standards. In this hierarchy, data from a full scale well operated plant is considered most preferable and calculations based on physical/chemical characteristics of a pesticide using a predictive model are considered the least preferable.

TABLE II.—PESTICIDE DATA SOURCE HIERARCHY

Level	Source of data
Full-Scale/Same Pesticide	1
Pilot-Scale/Same Pesticide	2
Lab-Scale/Same Pesticide	3
Full-Scale/Parent Compound	4
Full-Scale/Similar Pesticide	5
Pilot-Scale/Parent Compound	6
Pilot-Scale/Pesticide Compound	7
Lab-Scale/Parent Compound	8
Lab-Scale/Similar Pesticide	9
Synthetic Wastewater Literature Reference	10
Theoretical Predictive Model	11

Note.—Level 1 data most preferable, Level 11 data least preferable.

The BAT limitations for nonconventional pollutants are being developed in a two-step process. First, the Agency is calculating long-term average physical/chemical pretreatment effluents for each pesticide within a structural group. In order to derive individual effluent limitations, the Agency is transferring data from similar pesticides according to Table II. In order to achieve this transfer of data, individual pesticides are placed in one of 27 groups based on similarities in chemical structure and physical/chemical properties. The Agency believes that this transfer of data is acceptable because pesticides within a group can be treated by the same technology, to the same level of removal. Indeed two or more pesticides within a group are often produced at the same plant and are treated by the same treatment system.

Where possible, the Agency is relying upon full-scale performance data for a specific pesticide. If full-scale best performance data for a specific pesticide is unavailable, pilot-scale or lab-scale best performance data will be employed. However, if none of the best performance data mentioned above is available, the Agency is transferring full-scale best performance data from pesticides within the same structural group. If more than one pesticide within the group has full-scale best performance data, all such data are evaluated and the median value is transferred to the other pesticides without data in the group. If no full-scale best performance data are found within the group, then full scale data are transferred from a similar group. This "intergroup" transfer only occurs where the Agency finds that the pesticides are similar compounds. See Section II.B.1 of the Record.

If no full-scale test performance data are found within the group, or within similar groups then pilot or lab scale data are transferred from pesticides within the group.

Because of its importance to this study the Agency asked its Science Advisory Board (SAB) to review the concept of transfer technology as it related to pesticides guidelines development. The SAB's report on this concept is in Section II.B.20 of the Record.

Second, after determining the performance of physical/chemical treatment for each individual pesticide, the Agency then analyzed the biological component of the recommended treatment technology. The Agency calculated the average percent removal of best performing biological treatment units for each pesticide within the structural group. If best performance biological removal data for a specific pesticide are unavailable, the Agency is transferring data from pesticides within the same structural group. If more than one pesticide within the group has best performance biological removal data, all such data are evaluated and the median value is transferred to the pesticides in the group lacking best performance data. If no best performance biological removal data are available for a group of pesticides, the Agency is using the average best performance biological removal value for the entire industry (69.2 percent) in determining biological removal for the pesticide group.

Nonconventional Pesticide Pretreatment Standards. In the proposed regulation, the Agency did not conduct a pass through evaluation but established pretreatment standards for nonconventional pesticides which reflected only physical/chemical treatment prior to discharge into a POTW. The Agency determined that requiring biological treatment, in addition to physical/chemical treatment, would not be economically achievable.

As discussed earlier in this notice, the Agency is considering revising its PSES methodology by conducting a pass through analysis for priority pollutants based upon the 50 plant POTW study. That study does not address POTW removal of nonconventional pesticides. However, the Agency believes that nonconventional pesticides are incompatible pollutants that interfere with or pass through POTWs. This assumption is based in part on actual POTW data showing that pesticides have interfered with or passed through at least two POTWs. Section II.B.1 of the Record. The Agency also believes that nonconventional pesticides and in most cases, toxic pollutants pass through the POTWs because POTWs are designed differently from direct discharge biological systems (POTW retention time is shorter, mixed liquor suspended solids concentration is smaller, and micro-organisms are not acclimated to the same degree as industrial systems). Therefore POTWs are expected to achieve less removal than industrial biological systems.

The Agency is, therefore, considering revising its pretreatment standards for nonconventional pesticides by establishing pretreatment standards equal to the BAT effluent limitations guidelines for the nonconventional pesticides. For the reasons which were discussed above for pretreatment standards for priority pollutants, the Agency believes that these standards can be achieved through the use of physical/chemical treatment and will not require biological treatment prior to the discharge to the POTW. The revised PSES are specified in Appendix A.

4. Derivation of Manufacturers Effluent Limitations

In the proposal, the Agency calculated effluent limitations guidelines and standards for the pesticides industry by using a non-parametric statistical methodology. The Agency is now considering using the delta lognormal distribution in developing effluent limitations guidelines and standards for the pesticide industry. The delta lognormal distribution is described in Chapter 9 of *The Lognormal Distribution* by J. Aitchison and J.A.C. Brown, Cambridge University Press, 1963. Section II.B.4 of the Record. The delta lognormal provides a satisfactory model for the distribution of pesticide effluent concentration data in most cases and has the advantage of not requiring as much data as the non-parametric method. The delta lognormal, therefore, allows the use of more data sets for variability analysis than the non parametric approach. (See the Statistical Support Document in the Record at II.B.4). Furthermore, the delta lognormal distribution provides a consistent statistical model for including below detection values in the analysis. For each data set concerning pollutant removal by a treatment unit, the Agency used the delta lognormal distribution as the basis for estimating the long term plant average and daily, four-day and 30-day variability factors. The basis and conclusions are found in Section II. B.4 of the Record.

In a few instances which are identified in the statistical support document the limitations and standards which result from applying this methodology are lower than the detection limits for the analytical methods which were used in this study. In these cases the limitations and

standards were set equal to the detection limit. The Agency solicits comment on this procedure.

At proposal the agency based the monthly effluent limitations guidelines and standards on an average of 30 samples per month. The Agency is now considering basing monthly limitations on an average of 4 daily consecutive samples. This change more closely reflects the typical sampling frequency in the industry. The revised 4 day values and the 30 day values are shown in Appendices A, B and C. The Agency solicits comments on using 4 day values in place of 30 day values for priority pollutants and non-conventional pesticide limitations and standards.

At proposal, the Agency also based the monthly limitations and guidelines on the 99th percentile. The Agency is considering revising its methodology by using the 95th percentile of the distribution of monthly averages rather than the 99th percentile. The use of the 95th percentile is consistent with proposed effluent limitations guidelines and standards for the organic chemicals manufacturing industry, and the Agency believes it provides a more appropriate level of stringency for monthly limitations.

The variability factors for the BAT limitations in this notice are based on the performance of biological treatment systems. Since PSES is equal to BAT, the Agency, in effect, is transfering the variability of biological treatment to physical/chemical treatment. This gives indirect dischargers extra leeway because the actual variability of physical chemical treatment systems in the data base is lower than the variability for biological treatment. For the sake of comparison, the Agency has also developed PSES standards based upon the variability of the physical/chemical treatment standards. These PSES standards are listed in the statistical support document. The Agency solicits comments on this issue.

V. Additional Findings on Formulator/Packagers and Metallo-Organic Pesticide Producers

Formulator/packager surveys conducted by the Agency since proposal have developed additional information on the proportion of indirect discharge formulator/packagers who achieve zero discharge of wastewater pollutants; the quantity of process wastewater generated, the types and concentrations of wastewater pollutants, and the treatment and disposal practices employed. Based on this information the Agency believes that setting a zero discharge for formulator/packagers, as was contained in the proposal, is still appropriate.

The Agency surveyed approximately 46 percent of the 2324 formulator/packagers registered under the Federal Insecticides, Fungicides, and Rodenticides Act (FIFRA). Approximately 49 of the surveyed facilities discharge process wastewater indirectly to POTWs; the remainder achieve zero discharge by generating no wastewater, by reuse/recycle, or by alternate disposal methods such as contract hauling, evaporation, or land application.

At the 49 facilities which discharge to POTWs the major sources of process wastewater are vessel washing at product change over, floor washing of product spills and to control dust, hot water bath discharge for aerosol packagers, and contaminated stormwater runoff (especially from uncovered formulating areas). Wastewater flow rates at 52 of the 56 plants average 300 gallons per day, with a range from 5 to 1200 gallons per day. Wastewater flow rates at the remaining 4 plants average 36,000 gallons per day (due primarily to their large size, and poor water conservation practices).

From the results of this survey, the Agency has conducted an economic and technical analysis of this segment of the industry and concluded that approximately 96 percent of the formulator/packagers currently achieve zero discharge. The Agency believes that it is economically achievable for the remainder of this segment of the industry to meet this standard by using the recommended treatment technologies of contract hauling and spray evaporation. A discussion of the economic impact analysis of this segment of the industry is contained in Section VI of this notice.

The Agency also proposed a zero discharge standard for manufacturers of metallo-organic pesticides. This standard was based upon the recommended technology basis of contract hauling. One commenter stated that it was not economically achievable for him to achieve zero discharge, and provided the Agency with information about zinc precipitation treatment technology. That treatment technology does not achieve zero discharge but does achieve a high level of removal of pesticide metallo-organics; it may reduce the mercury loading by as much as 99.9%, down to an effluent level of 200 micrograms per liter. That treatment technology is described in the comments submitted to the Agency. The Agency is considering recommending zinc precipitation treatment technology or other similar treatment technology (i.e., sulfide precipitation) as an alternative to the zero discharge standard which was previously proposed for manufacturers of pesticide metallo-organics. The Agency solicits comments on whether manufacturers of pesticide metallo-organics can meet zero discharge.

VI. Preliminary Economic Analysis

The methodology used to perform the economic impact assessment for the proposed regulation was presented in the document entitled, *"Economic Impact Analysis of Proposed Effluent Standards and Limitations for the Pesticides Industry,"* "EPA 440/2–82–009." The Agency is considering modifying this methodology to include separate price elasticities for major pesticide product groups such as herbicides, fungicides and insecticides, a lower screening ratio, and a net present value analysis rather than the more subjective closure analysis used for proposed rulemaking. The revised Economic Impact Analysis is discussed in detail in the report entitled, *"Economic Impact Analysis of Effluent Limitations Guidelines and Standards for the Pesticide Industry."* A summary of the modifications are provided below.

Manufacturers

The economic model the Agency developed to analyze the economic effects of the November, 1982 proposed rulemaking for the pesticide chemical manufacturing segment of the pesticide industry did not differentiate between major pesticide product groups such as herbicides, fungicides and insecticides but aggregated all pesticide products into one large group. The market analysis for the industry included an estimate of the demand function for pesticides, including an estimate of a single price elasticity for the industry. The demand and price elasticity estimates were derived to evaluate the health of the industry and the ability of pesticide chemical manufacturers to pass on the costs of this regulation to its customers.

Because of the large number of plants in the industry, the economic model for the proposed regulation used a screening ratio to eliminate plants that we believed would not be potential closure candidates as a result of the proposed regulation. The screening ratio compared each plant's annual compliance costs (to meet the proposed rulemaking) with that plant's pesticide sales. A four percent Annual Compliance Cost to Sales (ACC/S) ratio was used as a threshold value to identify potentially impacted plants.

Plants with ACC/S ratios less than four percent were not considered potential closures. If a plant had an ACC/S ratio of more than four percent, the Agency considered several subjective factors to determine whether the plant would close, such as the financial health of the parent corporation and the relative importance of the pesticide to the plant. The Agency also assessed whether a plant would be able to pass on the costs of the treatment technologies in the form of higher prices to its customers. Consideration of this factor involved an evaluation of information such as the availability of substitutes for the pesticides produced, the demand and price elasticity estimates for the industry, and whether the product was patented.

Several commenters criticized the economic analysis underlying the proposed rulemaking as being too aggregated and therefore, unable to effectively evaluate product specific impacts. In response to these public comments, EPA is considering disaggregation of the analysis to reflect specific pesticide product groups e.g., herbicides, insecticides and fungicides, to more accurately measure pesticide-specific economic impacts.

In order to disaggregate the economic analysis, the Agency gathered pesticide specific price data previously submitted to the International Trade Commission. These price data are used to estimate plant-specific sales for each pesticide and for each pesticide product group. Estimates of pesticide product group sales reflect the most recent pesticide production data received from individual plants.

The Agency is considering modifying the economic model to reflect the demand for each major product group, herbicides, fungicides and insecticides, with three separate price elasticities rather than the single industry-wide estimate used at proposal. The product group demand and price elasticity estimates are used in this analysis to determine the portion of the compliance costs the plants may expect to pass on to their customers in the form of higher prices.

We are also considering a lower Annual Compliance Cost to Sales (ACC/S) ratio of one percent rather than four percent for the screening ratio, and a less subjective closure analysis is used. The Agency believes that these revisions result in a more accurate projection of impacts from this regulation. This lower screening ratio allows the Agency to examine a larger number of plants in greater detail than was examined at proposal. Any plant whose ACC/S ratio is one percent or more is subjected to a net present value analysis (NPV) rather than the more subjective analysis used at proposal.

The NPV analysis compares the liquidation value of the plant of the net present value of the income stream a plant could expect to earn if it complies with the regulations. In using the NPV approach, the Agency assumes that if the current liquidation value is less than the sum of the discounted earnings (which includes final liquidation), then the company will invest in the necessary treatment equipment and remain open.

The Agency believes that the NPV analysis is preferable to the more subjective closure analysis used at proposal because it more closely approximates the decision process plant would use to determine whether it should discontinue operations or continue operations with regulatory costs imposed.

Formulator/Packagers

The Economic Impact Analysis for indirect discharge pesticide chemicals formulator/packagers underlying the proposed rulemaking was primarily based on data and a market analysis used to support the zero discharge BPT regulation for direct discharge pesticide chemicals formulator/packagers. At proposal, the Agency assumed that indirect discharge plants were similar to direct discharge plants. Since the direct discharge sector of this industry was regulated at zero discharge, the Agency assumed that a zero discharge standard for the indirect discharge sector was also economically achievable.

In response to comments, the Agency has collected additional data on the indirect discharge pesticide chemicals formulator/packager segment of the industry and has revised the economic impacts for this segment. The economic model uses a net present value analysis (NPV) identical to the NPV analysis used for the manufacturing segment of the industry. The NPV analysis was performed for all indirect discharging pesticide chemicals formulator/packager plants for which we have 308 survey information. Since only a sample of pesticide chemical formulator/packager plants are analyzed, the screening ratio is not applied and the NPV analysis is performed for each of the plants.

Economic Impacts

The Agency had estimated that the proposed regulation would affect 117 facilities that manufacture pesticide chemicals. Total capital investment for BAT and PSES for the pesticide chemicals industry was estimated to be $97.3 million, with annual costs of $53.3 million, which include depreciation and interest. The capital investment for the pesticide chemicals manufacturers subcategory alone was $31.6 million for BAT and $16.6 million for PSES. The annual costs were $26.8 million for BAT and $11.3 million for PSES. The capital investment cost for the pesticide chemicals formulator/packager subcategory was $49.1 million for PSES. The annual cost for PSES was $14.2 million. These costs were expressed in 1983 dollars. Pesticides chemicals manufacturers prices were projected to increase by 0.66 percent; profits were projected to decline by 0.28 percent. At proposal, three plants and four product lines were projected to close within the pesticide chemical manufacturing sector of the pesticide industry. Fifty-one job losses were also projected as a result of compliance costs for this regulation.

The Agency estimated that the proposed regulation would also affect approximately 795 indirect discharge pesticide chemicals formulator/packager facilities in the industry. No closures nor job losses were projected as a result of the proposed regulation for indirect discharge pesticide chemicals formulator/packagers.

The Agency has reevaluated the economic impacts of this regulation on the pesticide industry based upon the preceeding methodological changes being considered to determine whether the impacts for the industry have changed since proposal. The regulation affects 117 facilities that manufacture pesticide chemicals. Total capital investment for BAT and PSES for the pesticide chemicals industry is estimated to be $97.7 million, with annual costs of $106.9 million, which include depreciation and interest in 1983 dollars. The capital investment for the pesticide chemicals manufacturing subcategory alone is $71.1 million for BAT and $23.4 million for PSES. The annual costs are $31.8 million for BAT and $9.7 million for PSES. The capital investment for the pesticide chemicals formulator/packager subcategory is $3.2 million for PSES. The annual costs for PSES are $64.9 million. For most plants, the recommended treatment train for formulator/packagers is contract hauling, resulting in relatively low investment requirements. There are no capital investment costs to be incurred for the metallo-organics pesticide chemicals manufacturers subcategory for PSES. The annual costs for PSES are $0.535 million for contract hauling. Pesticide chemicals manufacturing prices increase by 1.2 percent for herbicides, 0.8 percent for insecticides, and 1.2 percent for fungicides. Profits

are projected to decline by 0.8 percent for herbicides, 0.2 percent for insecticides and 0.4 percent for fungicides. Three pesticide chemicals manufacturing product line closures and 156 job losses are projected as a result of this regulation.

It is estimated the regulations also affect approximately 210 pesticide chemicals formulator/packagers who currently discharge to a POTW. Four product line closures and four job losses are projected as a result of this reguation. No price increases are anticipated because of the small percentage of pesticide chemicals formulator/packagers that would be affected by this regulation. Profits are projected to decline by 11 percent.

It is estimated that the costs incurrred by the one metallo-organic pesticide chemicals manufacturing plant to achieve zero discharge as a result of this regulation will not cause a significant economic impact for this plant. We also analyzed the costs and impacts associated with an alternative treatment system suggested by this plant in their comments on the proposed regulation. We concluded that the alternative treatment system was also economically achievable.

Pretreatment standards for the pesticide chemicals manufacturing subcategory have been established based on physical/chemical treatment. As discussed above, the Agency believes that the standards can be achieved through the use of physical/chemical controls and will not require biological treatment prior to discharge to a POTW. We have however, analyzed the costs and impacts to install biological treatment as part of the PSES treatment train. We project no additional product line closures and no additional job losses. The incremental capital and annual costs associated with biological treatment are $15.9 and $6.6 million in 1983 dollars, respectively.

Some plants have closed in the absence of these regulations. These plants will be excluded from the analysis underlying this notice. However, additional plants which were not considered at proposal for which data is now available will be included in the economic analysis.

VII. Additional Changes

A. Definition of Production

In the proposed regulation EPA defined production several different ways. Some sections refer to production as the "annual operating days during the year", some refer to production as "annual production" and some refer to it as the annual production divided by the number of operating days.

The Agency received comments objecting to the inconsistent wording of these definitions.

In response to these comments the Agency is considering employing the definition of production used in determining NPDES permit conditions as found in 40 CFR 122.45(d).

B. Research Facilities

The proposed regulation does not apply to laboratories or research facilities where pesticides are produced unless they are integrated with production facilities covered by this regulation. Although the Agency does not have specific data on nonintegrated laboratories or research facilities, we believe that, in general, these facilities tend to produce limited amounts of pesticides at irregular intervals. Therefore, we are excluding these facilities from the regulation. If research facilities and laboratories combine their wastewaters with wastewaters from the pesticide chemicals manufacturing segment of the industry, this regulation applies to those integrated research and laboratory facilities because wastewater from these facilities is included in the data base and the costs to treat these have been included in the Agency's costing analysis.

C. Compliance Date

In the proposed regulation the compliance date for PSES is July 1, 1984. Many commenters criticized this compliance date as being unreasonable. Since the regulation will not be promulgated until after July 1, 1984, the Agency is considering changing the PSES compliance date to three years after promulgation of the standards, the latest date allowed by law. The Agency is considering using the maximum compliance period allowed by law because some facilities in the pesticide industry will require three years to install the treatment technology required to meet the effluent limitations guidelines and standards.

D. pH

In the proposed regulation, pH was regulated within the range of 6.0 to 9.0 at all times. EPA is considering deleting the phrase at all times from the regulation in order to conform with the pH provisions contained in 40 CFR Part 401.17.

E. Contract Hauling Costs

At proposal, contract hauling was costed as the recommended technology for disposal of wastewater sludges from recommended BAT treatment systems and for disposal of untreated wastewater from small flow plants. A cost of $25 per cu yard was assigned for nonhazardous sludge and $60 per cu yd for sludge disposal defined as hazardous under the Resource conservation and Recovery Act (RCRA). Due to comments on the proposed regulation criticizing these costs for hazardous waste disposal as being too low, the Agency has reviewed these costs and is considering increasing the cost for hazardous sludge disposal to $200 per cu yard. The cost for nonhazardous disposal remains unchanged.

F. RCRA Costs

At proposal, the Agency developed a cost associated with the disposal of RCRA hazardous wastes by using the interim status standards (ISS) contained in 40 CFR Part 265. Several commenters asserted that the Agency should use costs associated with the final RCRA standards contained in 40 CFR Part 264. In response to these comments, the Agency is considering using costs associated with these final RCRA standards in the economic analysis. These costs have been included in the preliminary economic analysis.

G. Reserved Pollutants

At proposal, the Agency did not regulate 22 priority pollutants and two priority pollutants in processes other than those in which they are the manufactured product because adequate monitoring and/or control data were not available. The Agency has gathered and evaluated additional data for these pollutants and is considering excluding most of these pollutants from regulation under paragraph 8 of the Settlement Agreement. Appendix D of the notice sets forth these pollutants and the criteria for their exclusion under paragraph 8 of the Settlement Agreement.

The Agency also solicits comments on the priority pollutants listed in Appendix E for which EPA has not proposed nationally applicable regulations pending further data collection. The Agency solicits comments and data on the extent to which these pollutants are discharged by processes within the scope of this regulation and the extent to which the recommended technologies remove these pollutants and any guidance for writing BPJ limits and standards on these pollutants.

The Agency also is continuing to reserve 125 nonconventional pesticides where insufficient data is available. The Agency encourages permit writing authorities to issue BPJ limits and standards on these pollutants. In the

future the Agency intends to further evaluate these 125 nonconventional pesticides. These 125 nonconventional pesticides are identified in Appendix G of the proposed regulations (47 FR 54012–54013).

H. New Analytical Methods

In addition to the proposed effluent limitations guidelines and standards, the Agency proposed analytical methods for 66 of the 137 nonconventional pollutant pesticides for which Agency approved procedures do not currently exist.[1] During the public comment period for the analytical methods, the Agency received 13 new analytical methods from various plants within the pesticide industry. The Agency evaluated the new methods and determined that they were "equivalent" to the corresponding methods for the 66 nonconventional pollutant pesticides which were previously proposed. Therefore, the Agency is considering adding the 13 methods to the list of test procedures to analyze for the nonconventional pesticide pollutants covered by the effluent limitations guidelines and standards. A description of the 13 new analytical methods is contained in Appendix F and a detailed report is found in Section II.B.1 of the Record.

I. Monitoring Requirements

To ensure compliance with the effluent limitations guidelines and standards, plants will be required to periodically monitor their discharges for the regulated pollutants. The proposed regulations control 34 priority pollutants and 137 nonconventional pesticides. Manufacturers of priority pollutant pesticides will be required to monitor for priority pollutants, and manufacturers of nonconventional pesticides will be required to monitor for the nonconventional pesticides plus the priority pollutants that are likely to be present as a result of process chemistry evaluations (See Section IV.A. of this Notice).

The proposed regulations do not, however, specify monitoring frequency. The appropriate monitoring frequency for a particular plant depends on plant-specific factors such as the size of the plant's flow and the nature of the local receiving waters. Thus, the specification of monitoring frequency is best determined locally by the permit writer or POTW on a case-by-case basis. Permitting authorities generally must specify monitoring requirements in direct dischargers' permits including type, intervals, and frequency sufficient to yield data that are representative of the monitored activity. See 40 CFR 403. 45 FR 33290, 33428 (May 19, 1980).

The proposed regulations included two limitations: a daily maximum value and a 30 day monthly average. Since few if any plants in the industry will be required to monitor for 30 consecutive days, the Agency is considering changing the 30 day value established in the proposed regulations to an average of daily values for four consecutive monitoring days. Although the regulations will not specify the period over which the 4 consecutive samples must be taken, the Agency considers 4 times per month to be an appropriate frequency for many plants in the industry. For others, a different frequency may be more appropriate. In any case, the 4-day average would apply to any set of four consecutive samples, regardless of the period of time over which the samples were taken.

The Agency believes a similar monitoring frequency is also appropriate for indirect dischargers.

J. Coverage of the Regulation

In the proposed regulation, the formulating and packaging subcategory covered wastewater discharges from all pesticide formulating and packaging operations. Many commenters pointed out that this definition included disinfectants, sanitizers, and other nonagricultural products which the commenters believed should not be covered by this regulation. The Agency has re-evaluated the coverage of the regulation for this segment and is considering excluding nonagricultural formulating and packaging from this regulation. Some of these products are covered by other regulations and others were not intended to be within the scope of this regulation.

VII. Solicitation of Comments

EPA invites and encourages public participation on this notice. The Agncy asks that any deficiencies in the record of this notice be pointed to specifically and that suggested revisions or corrections be supported by relevant data. EPA is only requesting comments on data gathered after proposal and changes in methodology addressed in this notice. The Agency is not soliciting comments on all the other issues contained in the November 30, 1982 proposal or on the analytical test methods proposed for regulation on February 10, 1983.

EPA is particularly interested in receiving comments and information in connection with the following:

(1) EPA is seeking comments on the new sources of effluent data used for priority pollutants.

(2) EPA is seeking comments on the use of the best performance methodology for selecting pollutant removal rates for the model treatment technologies.

(3) EPA is seeking comments on the new methodology being considered to develop nonconventional pesticide effluent limitations guidelines and standards.

(4) EPA is seeking comments on the revision to the process chemistry evaluations presented in Appendix C.

(5) EPA is considering a simpler approach to subcategorization in this notice. The Agency is soliciting comments from industry on this approach.

(6) EPA is considering developing concentration-based standards instead of mass-based standards for the priority pollutants and nonconventional pesticides. The Agency is considering requiring the permit writers or the POTWs to set mass-based limits by multiplying the concentration-based limitations and guidelines by the appropriate flows. The Agency is soliciting comments on this change.

(7) The Agency is seeking additional information on the ability of pesticide chemical formulator/packagers and metallo-organic pesticide chemical manufacturers that presently discharge to a POTW to achieve zero dicharge of process wastewater pollutants. Plants should submit information concerining present wastewater generation (flow and concentration of priority and nonconventional pesticides), type of treatment(s) employed, costs of installing and operating treatment(s) and method of wastewater disposal, along with data on the type and volume of product formulated and/or packaged.

(8) The Agency is soliciting comments on the exclusion of nonagricultural pesticide formulation/packaging from coverage for that segment of the regulation.

(9) The Agency is soliciting comments on the pollutants listed in Appendix E for which EPA is considering not proposing limitations pending further data collection.

(10) EPA is interested in receiving comments and information on the eleven new test methods for analysis of pesticides under this notice. The commenters should address precision, accuracy, detection limit, selectivity, freedom from interferences, and ease-of-use. Suggestions must be specific, understandable by an analytical chemist familiar with analysis of pesticides in

[1] The remaining 71 nonconventional pollutants either have 304(h) approved methods or do not require any method because EPA proposed zero discharge as the effluent limitation guideline and standard.

waters, and supported by data documenting methods performance improvements. The names, addresses, and phone numbers of persons who can be contacted for additional information must be included. Suggestions must reference the applicable section of the pesticide method as listed in this proposal.

(11) The Agency is soliciting comments on the delta lognormal distribution being considered to develop the revised effluent limitations guidelines and standards.

(12) EPA is seeking information from the industry on updated production data and any other data that might be useful such as financial data, seasonality of production and distribution of production.

(13) EPA is interested in receiving comments on the modifications to the economic models used for the manufacturing and formulator/packager subcategories. The comments should address use of the NPV analysis and should provide data on prices, profits, production and any other financial data relevant to the economic analysis.

List of Subjects in 40 CFR Part 455

Chemicals, Pesticides and pests, Waste treatment and disposal, Water pollution control.

Authority: 33 U.S.C. 1311, 1314, 1316, 1317 and 1361; Clean Water Act secs. 301, 304, 306, 307 and 501.

Dated: May 25, 1984.

Henry Longest II,

Acting Assistant Administrator for Water.

Appendix A.—Priority Pollutant Effluent Limitations and Standards for BAT, NSPS, PSES, and PSNS

Priority pollutants	Maximum for any 1 day (mg/l)	Average of daily values for 4 consecutive monitoring days (mg/l)	Average of daily values for 30 consecutive monitoring days (mg/l)
Benzene [1]	.057	.021	.015
Chlorobenzene [1]	.059	.031	.024
Toluene [1]	.033	.018	.014
1,2-Dichlorobenzene [2]	.106	.040	.028
1,4-Dichlorobenzene [2]	.044	.018	.013
1,2,4-Trichlorobenzene [2]	.125	.055	.041
Methyl bromide	.149	.042	.031
Carbon tetrachloride	.130	.038	.032
Chloroform	.073	.031	.022
Methyl chloride	.103	.032	.020
Methylene chloride	.698	.196	.134
Cyanide	.635	.220	.146
Bix(2-chloroethyl ether [3]	zero	zero	zero
2,4-Dichlorophenol	.049	.023	.017
2,4-Dinitrophenol	.111	.034	.020
4-Nitrophenol	.046	.019	.014
Pentachlorophenol	.245	.149	.124
Phenol [1]	.039	.017	.014
Copper	.270	.125	.095
Zinc	.258	.181	.152
1,2-Dichloroethane [1]	.992	.409	.266
Tetrachloroethylene [1]	.085	.034	.023
N-nitrosodi-n-propylamine	.088	.028	.017
1,3-Dichloropropene [3]	zero	zero	zero
Hexachlorocyclopentadiene	.127	.037	.025
a-BHC-Alpha	.090	.032	.020
b-BHC-Beta	.090	.032	.020
d-BHC-Delta	.090	.032	.020
g-BHC-Gamma	.090	.032	.020
a-Endosulfan-Alpha	.090	.032	.020
b-Endosulfan-Beta	.090	.032	.020
Endrin	.180	.057	.035
Heptachlor	.090	.032	.020
Toxaphene	.005	.002	.002

[1] Proposed for BAT/NSPS only.

[2] Proposed for regulation only in those processes in which it is the manufactured product; proposed for exclusion from regulation in all other processes where it is expected to be controlled by the regulation of chlorobenzene where the pollutant can be controlled by the same technology which reduces chlorobenzene discharge.

[3] Proposed for regulation only in those processes in which it is the manufactured product; proposed to be excluded from regulation in all other process pending collection of adequate monitoring data.

Appendix B.—Nonconventional Pollutant Effluent Limitations and Standards for BAT, NSPS, PSES, and PSNS

Pesticide	Maximum for any 1 day (mg/1)	Average of daily values for 4 consecutive monitoring days (mg/l)	Average of daily values for 30 consecutive monitoring days. (mg/l)
Alachlor	.032	.013	.009
Alkylamine hydrochloride	zero	zero	zero
Ametryne	10.6	3.83	2.46
Aminocarb	10.5	3.18	1.98
Amobam	zero	zero	zero
AOP	.215	.076	.048
Atrazine	13.2	4.74	3.04
Azinphos	1.42	.37	.250
Barban	zero	zero	zero
BBTAC	zero	zero	zero
Benfluralin	.197	.105	.083
Benomyl	13.3	4.04	1.98
Bentazon	254	89.7	56.7
Biphenyl	zero	zero	zero
Bolstar	.044	.017	.012
Bromacil	.302	.095	.057
Busan 40	.215	.076	.048
Basan 85	.215	.076	.048
Butachlor	.027	.010	.006
Captan	254	89.7	56.7
Carbam-s	.215	.076	.048
Carbaryl	10.5	3.18	1.98
Carbendazim	13.3	4.04	2.51
Carbofuran	8.42	2.56	1.59
Carbophenothion	.294	.102	.064
Chlorobenzilate	.003	.003	.003
Chloropicrin	zero	zero	zero
Chlorpropham	10.5	3.18	1.98
Chlorpyrifos	.294	.102	.064
Chlorpyrifos methyl	.294	.102	.064
Coumaphos	.294	.102	.064
Cyanazine	10.6	3.83	2.46
2,4-D	2.66	.938	.593
2,4-D isobutyl ester	1.34	.472	.299
2,4-D isooctyl ester [1]	1.34	.472	.299
2,4-D salt	zero	zero	zero
2,4-DB	.017	.006	.004
2,4-DB isobutyl ester	1.34	.472	.299
2,4-DB isobutyl ester	1.34	.472	.299
DBCP	.766	.270	.171
DCNA	.197	.105	.083
D-D	zero	zero	zero
Deet	.030	.012	.008
Demeton	.130	.045	.028
Demeton-o	.294	.102	.064
Demeton-s	.294	.102	.064
Diazinon	.143	.069	.052
Dicamba	.031	.011	.007
Dichlofenthion	.294	.102	.064
Dichlorophen salt	zero	zero	zero
Dichlorvos	.003	.001	.001
Dicofol	.003	.002	.001
Dinoseb	.782	.417	.329
Dioxathion	.294	.102	.064
Disulfoton	.817	.250	.154
Diuron	.090	.050	.040
Dowicil 75	zero	zero	zero
Ethalfluralin	.197	.105	.083
Ethion	.294	.102	.064
Ethoprop	zero	zero	zero
Etridiazole	.031	.011	.007
Fensulfothion	2.52	.841	.519
Fenthion	.910	.373	.255
Fenuron	.072	.040	.032
Fenuron TCA	.072	.040	.032
Ferbam	.230	.081	.051
Fluometuron	.072	.040	.032
Fluoroacetamide	zero	zero	zero
Glyodin	zero	zero	zero
Glyphosate	129	31.9	26.0
Hexazinone	16.4	6.09	3.99
HPTMS	zero	zero	zero
Isopropalin	.197	.105	.083
KN methyl	.215	.076	.048
Linuron	.056	.031	.024
Malathion	.294	.102	.064
Mancozeb	.230	.081	.051
Maneb	.230	.081	.051
Mephosfolan	109	31.3	22.5
Merphos	zero	zero	zero
Metasol J-26	zero	zero	zero
Metham	.215	.076	.048
Methiocarb	10.5	3.18	1.98
Methomyl	5.72	1.53	1.32
Methoxychlor	.003	.002	.001
Metribuzin	1.53	.478	.288
Mevinphos	.029	.010	.006
Mexacarbate	10.5	3.18	1.98
Mirex	.003	.002	.001
Monuron	.072	.040	.032
Monuron TCA	.072	.040	.032
Nabam	.215	.076	.048
Naled	.029	.010	.006
Neburon	.072	.040	.032
Niacide	.230	.081	.051
Oxamyl	3.78	1.01	.869
Parathion Ethyl	.006	.002	.001
Parathion Methyl	.868	.259	.167
PCNB	.031	.011	.007
PCP salt	.031	.011	.007
Perthane	.003	.002	.001
Phorate	.294	.102	.064
Profluralin	.005	.003	.002
Prometon	10.6	3.83	2.46
Prometryn	10.6	3.83	2.46
Propachlor	.030	.012	.008
Propazine	10.6	3.83	2.46
Propham	10.5	3.18	1.98
Propoxur	10.5	3.18	1.98
Pyrethrin	zero	zero	zero
Ronnel	.294	.102	.064
Siduron	.072	.040	.032
Silvex	1.34	.472	.299
Silvex isooctyl ester	zero	zero	zero
Silvex salt	zero	zero	zero
Simazine	10.6	3.83	2.46
Simetryne	10.6	3.83	2.46
Sodium monofluoracetate	zero	zero	zero
Stirofos	.005	.005	.005
Swep	10.5	3.18	1.98
2,4,5-T	1.34	.472	.299
Terbacil	30.3	9.54	5.76
Terbufos	.294	.102	.064
Terbuthylazine	10.6	3.83	2.46
Terbutryn	10.6	3.83	2.46
Triadimefon	.031	.011	.007
Tributyltin benzoate	zero	zero	zero
Tributyltin oxide	zero	zero	zero
Trichloronate	.294	.102	.064
Tricyclazole	.031	.011	.007
Trifluralin	.043	.023	.018
Vancide 51Z	zero	zero	zero
Vancide 51Z dispersion	zero	zero	zero
Vandice TH	zero	zero	zero

Pesticide	Maximum for any 1 day (mg/1)	Average of daily values for 4 consecutive monitoring days (mg/l)	Average of daily values for 30 consecutive monitoring days. (mg/l)
ZAC	.230	.081	.051
Zineb	.230	.081	.051
Ziram [1]	zero	zero	zero

[1] Zero for plant 17.
[2] Zero for plant 20.

Appendix C.—Priority Pollutants Regulated in Pesticide Active Ingredient Manufacturing Wastewaters

The following requirements are applicable to pesticides in Part 455. Whenever a discharger manufactures a pesticide active ingredient listed in Column A that discharger must meet the effluent limitations and standards for the priority pollutants specified in Column C. Column B is included for informational purposes to indicate the priority pollutant group to which each of the specific priority pollutants belong.

Pesticide	Priority pollutant group	Priority pollutant regulated
Col. A	Co. B	Col.C
Acephate	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
	Volatile Aromatics.	Benze, Toluene.
Alachlor	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.
	Halomethanes	Methyl chloride, Methylene chloride[1]
	Volatile Aromatics.	Benzene,[2] Chlorobenzene.
Aldicarb		None.
Alkylamine hydrochloride.		None.
Allethrin		None.
Ametryne	Cyanides	Cyanide.
	Volatile Aromatics.	Benzene, Toluene.
Aminocarb		None.
Amobam		None.
Anilazine	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.
	Cyanides	Cyanide.
	Halomethanes	Carbon tetrachloride.
AOP		None.
Aquatreat DNM 30.		None.
Aspon	Volatile Aromatics.	Benzene, Toluene.
Atrazine	Cyanides	Cyanide.
	Halomethanes	Carbon tetrachloride.[3]
	Volatile Aromatics.	Benzene,[3] Toluene.[3]
Azinphos methyl	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.
Barban		None.
BBTAC		None.
Bendiocarb		None.
Benfluralin		None.
Benomyl		None.
Bensulide	Voltatile Aromatics.	Benzene, Toluene.
Bentazon	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.
	Volatile Aromatics.	Chlorobenzene, Benzene.
Benzethonium chloride.	Volatile Aromatics.	Benzene, Toluene.
Benzyl benzoate		None.
Benzyl bromoacetate.	Volatile Aromatics.	Benzene, Toluene.
BHC	Pesticides	a-BHC-Alpha, b-BHC-Beta, d-BHC-Delta, g-BHC-Gamma.
	Volatile Aromatics.	Benzene, Toluene, Chlorobenzene.
Bifenox	Halomethanes	Chloroform, Methyl chloride, Carbon tetrachloride, Methylene chloride.
	Phenols	2,4-Dichlorophenol, Phenol.
Biphenyl	Volatile Aromatics.	Benzene, Toluene.
Bolstar	Chlorinated Ethanes and Ethylenes.	Tetrachloroethylene.
	Halomethanes	Methyl chloride.
	Phenols	2,4-Dichlorophenol, Phenol.
Bromacil		None.
Bromoxynil	Volatile Aromatics.	Benzene, Toluene.
Bromoxynil octanoate.	Volatile Aromatics.	Benzene, Toluene.
Busan 40		None.
Busan 85		None.
Busan 90	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.
	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
	Phenols	Phenol.
Butachlor	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.
Butylate	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
Captafol		None.
Captan		None.
Carbam-S		None.
Carbaryl	Volatile Aromatics.	Benzene, Toluene.
Carbendazim		None.
Carbofuran	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
Carbophenothion	Volatile Aromatics.	Benzene, Chlorobenzene.
CDN	Volatile Aromatics.	Benzene, Chlorobenzene, Toluene.
Chloramben		None.
Chlordane	Dienes	Hexachlorocyclopentadiene.
	Pesticides	Heptachlor.
Chlorobenzene	Volatile Aromatics.	Benzene, Chlorobenzene, Toluene.
Chlorobenzilate	Cyanide	Cyanide.
Chlorophacinone		None.
Chloropicrin		None.
Cyanides	Cyanide.	
Chlorothalonil	Chlorinated Ethanes and Ethylenes.	Tetrachloroethylene.
	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
Chlorpropham	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane, Tetrachloroethylene.
Chlorpyrifos	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
Chlorpyrifos methyl.	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
Coumachlor		None.
Coumafuryl		None.
Coumaphos		None.
Coumatetralyl		None.
Cyanazine	Cyanides	Cyanide.
	Halomethanes	Carbon tetrachloride.
Cycloate	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
Cycloheximide	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
Cycloprate	Volatile Aromatics.	Benzene, Toluene.
Cyhexatin	Volatile Aromatics.	Benzene, Toluene.
Cythioate	Volatile Aromatics.	Benzene, Toluene.
2,4-D	Phenols	2,4-Dichlorophenol, Phenol.
	Volatile Aromatics.	Benzene,[4] Toluene.[4]
2,4-D isobutyl ester.	Phenols	2,4-Dichlorophenol.
2,4-D isooctyl ester.	Phenols	2,4-Dichlorophenol.[5]
2,4-D salt		None.
Dalapon		None.
Dazomet		None.
2,4-DB	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
	Phenols	2,4-Dichlorophenol, Phenol.
2,4-DB isobutyl ester.		None.
2,4-DB isooctyl ester.		None.
DBCP		None.
DCNA		None.
DCPA	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
	Volatile Aromatics.	Benzene, Toluene.
D-D		None.
DDD	Volatile Aromatics.	Benzene, Chlorobenzene.
DDE	Volatile Aromatics.	Benzene, Chlorobenzene.
DDT	Volatile Aromatics.	Benzene, Chlorobenzene.
Deet	Volatile Aromatics.	Benzene, Toluene.
Demeton	Volatile Aromatics.	Benzene, Toluene.
Demeton-o	Volatile Aromatics.	Benzene, Toluene.
	Metals	Copper.
Demeton-s	Metals	Copper.
	Volatile Aromatics.	Benzene, Toluene.
Diazinon	Volatile Aromatics.	Benzene, Toluene.
Dicamba	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
	Phenols	2,4-Dichlorophenol.
	Volatile Aromatics.	Benzene, Toluene.
Dichlofenthion	Phenols	2,4-Dichlorophenol, Phenol.
Dichlorobenzene, ortho.	Volatile Aromatics.	Benzene, Chlorobenzene, 1,2-Dichlorobenzene, Toluene.
Dichlorobenzene, para.	Volatile Aromatics.	Benzene, Chlorobenzene, 1,4-Dichlorobenzene, Toluene.
Dichloroethyl ether.	Haloethers	Bis (2-chloroethyl) ether.[5]
Dichlorophen	Phenols	Phenol, 2,4-Dichlorophenol.
	Volatiles Aromatics.	Benzene, Toluene.
Dichlorophen salt.		None.

Pesticide	Priority pollutant group	Priority pollutant regulated
Col. A	Col. B	Col. C
Dichloropropene	Dichloropropane and Dichloropropene.	1,3-Dichloropropene.[7]
Dichlorprop	Phenols	Phenol, 2,4-Dichlorophenol.
Dichlorvos	Halomethane	Methyl chloride.
Dicofol	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.
	Volatile Aromatics.	Chlorobenzene, Toluene.
	Cyanides	Cyanide.
Dienochlor	Dienes	Hexachlorocyclopentadiene.
	Metals	Copper.
	Volatile Aromagics.	Benzene, Toluene.
Dimethoxane		None.
Dinocap	Phenols	2,4-Dinitrophenol, 4-Nitrophenol, Phenol.
Dinoseb		None.
Dioxathion	Volatile Aromatics.	Benzene Toluene.
Diphacinone		None.
Diphenamid	Volatile Aromatics.	Benzene.
Diphenylamine		None.
Disulfoton	Volatile Aromatics.	Benzene, Toluene.
Diuron	Volatile Aromatics.	Benzene, Chlorobenzene.
Dodine	Cyanides	Cyanide.
Dowicil 75		None.
Endosulfan	Dienes	Hexachlorocyclopentadiene.
	Pesticides	a-Endosulfan-alpha, b-Endosulfan-beta.
	Volatile Aromatics.	Benzene, Toluene.
Endothall	Metals	Copper.
Endrin	Dienes	Hexachlorocyclopentadiene.
	Pesticides	Endrin.
EPN	Phenols	2,4-Dinitrophenol, 4-Nitrophenol, Phenol.
	Volatile Aromatics.	Benzene, Toluene.
EPTC	Halometnanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
Ethalfluralin		None.
Ethion	Halomethanes	Methylene chloride, Methyl bromide.
	Volatile Aromatics.	Benzene, Toluene.
Ethoprop		None.
Ethoxyquin 66%	Volatile Aromatic	Toluene.
Ethoxyquin 86%	Volatile Aromatic	Toluene.
Ethylene dibromide.		None.
Etridazole	Halomethanes	Chloroform, Carbon tetrachloride.
EXD		None.
Famphur	Volatile Aromatic	Benzene, Toluene.
Fenarimol		None.
Fenitrothion	Cyanides	Cyanide[8]s
	Metals	Copper,[9] zinc.[8]
	Volatile Aromatics.	Benzene, Toluene.
Fensulfothion	Metals	Copper.
	Volatile Aromatics.	Benzene, Toluene.
Fenthion		None.
Fentin hydroxide	Volatile Aromatics.	Benzene, Toluene.
Fenuron		None.
Fenuron-TCA	Volatile Aromatics.	Benzene, Toluene.
Ferbam		None.
Fluchloralin		None.
Fluoridone	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene choride.
	Volatile Aromatics.	Benzene, Toluene.
Fluometuron	Cyanides	Cyanide.
Fluoroacetamide		None.
Folpet		None.
Fonofos	Volatile Aromatics.	Benzene, Toluene.
	Phenols	Phenol.
Giv-gard	Volatile Aromatics.	Benzene, Toluene.
Glyodin		None.
Glyphosate		None.
HAE		None.
HAMP		None.
Heptachlor	Dienes	Hexachlorocyclopentadiene.
	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
	Pesticides	Heptachlor.
Hexachlorphene	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.
	Phenols	Phenol, 2,4-Dichlorophenol.
Hexazinone	Volatile Aromatics.	Benzene, Toluene.
HPTMS		None.
Hyamine 2389	Volatile Aromatics.	Toluene.
Hyamine 3500	Volatile Aromatics.	Toluene.
Isopropalin		None.
Kathon 886	Volatile Aromatics.	Benzene, Toluene.
Kinoprene		None.
KN methyl		None.
Lethane 384	Cyanides	Cyanide.
Lindane	Pesticides	a-BHC-Alpha, b-BHC-Beta, d-BHC-Delta, g-BHC-Gamma.
	Volatile Aromatics.	Benzene, Toluene, Chlorobenzene.
Linuron	Volatile Aromatics.	Benzene, Chlorobenzene.
Malathion		None.
Maleic hydrazide		None.
Mancozeb	Metals	Zinc.
Maneb	Metals	Zinc.[10]
MCPA	Phenols	2,4-Dichlorophenol, Phenol.
	Volatile Aromatics.	Benzene, Toluene.
MCPA isooctyl ester.		None.
MCPP	Phenols	2,4-Dichlorophenol, Phenol.
	Volatile Aromatics.	Benzene, Toluene.
Mephosfolan	Volatile Aromatics.	Benzene, Toluene.
Merphos		None.
Metasol DGH	Cyanides	Cyanide.
Metasol J-26		None.
Metham		None.
Methamidophos	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.
Methiocarb	Phenols	Phenol.
Methomyl	Halomethanes	Carbon tetrachloride,[11] Chloroform,[11] Methyl chloride,[11] Methylene chloride.[11]
Methoprene		None.
Methoxychlor	Phenols	Phenol.
Methylbenzethonium chloride.	Volatile Aromatics.	Benzene, Toluene.
Methyl bromide	Halomethanes	Methyl bromide.
Methylene bisthiocyanate.	Cyanides	Cyanide.
	Halomethanes	Methyl bromide, Methylene chloride.
Metribuzin	Cyanides	Cyanide.
	Halomethanes	Methyl bromide.
Mevinphos	Halomethane	Methyl chloride.
Mexacarbate		None.
MGK 264	Volatile Aromatics.	Benzene, Toluene.
MGK 326	Volatile Aromatics.	Benzene, Toluene.
Mirex	Dienes	Hexachlorocyclopentadiene.
Molinate	Halomethanes	Carbon tetrachloride, Chloroform, Mthyl chloride, Methylene chloride.
Monocrotophos	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
	Metals	Copper.
Monuron		None.
Monuron-TCA	Volatile Aromatics.	Benzene, Toluene.
Nabam		None.
Nabonate	Cyanides	Cyanide.
Naled	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
1,8-Napthalic anhydride.		None.
Napropamide	Volatile Aromatics.	Benzene, Toluene.
Naptalam	Volatile Aromatics.	Benzene, Toluene.
Neburon	Volatile Aromatics.	Benzene, Toluene.
Niacide		None.
Nitrofen	Phenols	2,4-Dichlorophenol, 4-Nitrophenol, Phenol.
	Volatile Aromatics.	Benzene, Toluene.
NMI	Volatile Aromatics.	Benzene, Toluene.
Norflurazon		None.
Octhilinone		None.
Oryzalin	Volatile Aromatics.	Benzene, Toluene.
Oxamyl		None.
Oxydemeton		None.
Oxyfluorfen	Chlorinated Ethanes and Ethylenes.	1,2-Dichlorethane, Tetrachloroethylene.
Paraquat	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
Parathion ethyl	Phenols	4-Nitrophenol.
	Volatile Aromatics.	Benzene, Toluene.
Parathion methyl	Phenols	4-Nitrophenol.
	Volatile Aromatics.	Benzene, Toluene.
PBED	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.
PCNB	Volatile Aromatics.	Chlorobenzene.
PCP	Phenols	2,4-Dichlorophenol, Pentachlorophenol, Phenol.
PCP salt	Phenols	Phenol, Pentachlorophenol.
Pebulate	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
	Metals	Zinc.
Penoxalin	Volatile Aromatics.	Benzene, Toluene.
Perfluidone		None.
Permethrin		None.
Perthane	Volatile Aromatics.	Benzene, Toluene.
Phenylphenol	Phenols	2,4-Dichlorophenol, Phenol.
	Volatile Aromatics.	Benzene, Chlorobenzene.
Phenylphenol sodium salt.	Phenols	2,4-Dichlorophenol, Phenol.
	Volatile Aromatics.	Benzene, Chlorobenzene.
Phorate		None.
Phosfolan	Volatile Aromatics.	Benzene, Toluene.
Phosmet	Volatile Aromatics.	Benzene, Toluene.
Picloram	Cyanides	Cyanide.
	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.

Pesticide	Priority pollutant group	Priority pollutant regulated
Col. A	Col. B	Col. C
Pindone	Volatile Aromatics.	Benzene,[13] Toluene.[13]
Piperalin	Volatile Aromatics.	Benzene, Chlorobenzene, Toluene.
Piperonyl butoxide.	Metals	Zinc.[13]
Polyphase antimildew.		None.
Profluralin	Halomethanes	Methylene chloride.
	Volatile Aromatics.	Benzene, Toluene.
Prometon	Cyanides	Cyanide.
	Volatile Aromatics.	Benzene, Toluene.
Prometryn	Cyanides	Cyanide.
	Volatile Aromatics.	Benzene, Toluene.
Pronamide	Volatile Aromatics.	Benzene Toluene.
Propachlor	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.
Propanil	Volatile Aromatics.	Benzene,[14] Toluene.[14]
Propargite		None.
Propazine	Cyanides	Cyanide.
	Halomethanes	Carbon tetrachloride.[15]
	Volatile Aromatics.	Benzene,[15] Toluene.[15]
Propham		None.
Propionic acid		None.
Propoxur		None.
Pyrethrins		None.
8 Quinolinol citrate.		None.
8 Quinolinol sulfate.		None.
Quinomethionate		None.
Resmethrin	Cyanides	Cyanide.
	Volatile Aromatics.	Benzene, Toluene.
RH-787		None.
Ronnel	Phenols	2,4-Dichlorophenol, Phenol.
Rotenone	Volatile Aromatics.	Benzene, Toluene.
Siduron		None
Silvex	Phenols	2,4-Dichlorophenol, Phenol.
	Volatile Aromatics.	Benzene,[16] Toluene.[16]
Silvex isooctyle ester.		None.
Silvex salt		None.
Simazine	Cyanides	Cyanide.
	Halomethanes	Carbon tetrachloride.[17]
	Volatile Aromatics.	Benzene,[17] Toluene.[17]
Simetryne	Cyanides	Cyanide.
	Volatile Aromatics.	Benzene, Toluene.
Sodium monofluoroacetate.		None.
Stirofos	Halomethanes	Methyl chloride.
Sulfallate		None.
Sulfoxide		None.
SWEP	Volatile Aromatics.	Benzene, Toluene.
2,4,5-T	Phenols	Phenol, 2,4-Dichlorophenol.
	Volatile Aromatics.	Benzene,[18] Toluene.[18]
TCMTB	Cyanides	Cyanide.
	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
Tebuthiuron		None.
Temephos	Chlorinated Ethanes and Ethylenes.	1,2-Dichloroethane.[19]
	Volatile Aromatics.	Benzene,[20] Toluene.[20]
Terbacil		None.
Terbufos		None.
Terbuthylazine	Cyanides	Cyanide.
	Halomethanes	Carbon tetrachloride.
Terbutryn	Cyanides	Cyanide.
	Volatile Aromatics.	Benzene, Toluene.
Thiabendazole	Cyanides	Cyanide.
Thiofanox		None.
Thionaizine		None.
Tokuthion	Phenols	Phenol, 2,4-Dichlorophenol.
	Volatile Aromatics.	Benzene, Toluene.
Toxaphene	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
	Pesticides	Toxaphene
	Volatile Aromatics.	Benzene, Toluene, Chlorobenzene.[21]
	Chlorinated Ethanes and Ethylenes.	Tetrachloroethylene.[21]
Triadimefon	Phenols	2,4-Dichlorophenol, Phenol.
Tributyltin benzoate.		None.
Tributyltin fluoride.		None.
Tributyltin oxide		None.
Trichloroben-zene.	Volatile Aromatics.	Benzene, Chlorobenzene, 1,2,4-Trichlorobenzene, Toluene.
Trichloronate	Phenols	2,4-Dichlorophenol, Phenol.
Tricyclazole		None
Trifluralin	Nitrosamines	N-nitrosodi-n-propylamine.
Vancide TH		None.
Vancide 51Z		None.
Vancide 51Z dispersion.		None.
Vancide PA		None.
Vernolate	Halomethanes	Carbon tetrachloride, Chloroform, Methyl chloride, Methylene chloride.
Warfarin		None.
ZAC	Metals	Zinc.
Zineb	Metals	Zinc.
Ziram	Metals	Zinc.[22]

[1] Plant 1 only.
[2] Plant 2 only.
[3] Plant 3 only.
[4] Plants 4 and 5 only.
[5] Plant 6 only.
[6] Regulated as a priority pollutant only in those processes in which it is the manufactured product.
[7] Regulated as a priority pollutant only in those processes in which it is a manufactured product.
[8] Plant 7 only.
[9] Plant 8 only.
[10] Plant 9 only.
[11] Plants 10 and 11 only.
[12] Plant 12 only.
[13] Plant 13 only.
[14] Plants 14 and 15 only.
[15] Plant 16 only.
[16] Plant 17 only.
[17] Plant 18 only.
[18] Plant 19 only.
[19] Plant 20 only.
[20] Plant 21 only.
[21] Plant 22 only.
[22] Plants 23 and 24 only.

Appendix D.—Additional Priority Pollutants Excluded From Regulaiton Under Paragraph 8*

Pollutant and Reason

Bis(2-chloroethoxy)methane—present only in trace amounts
Bis(2-chloroisopropyl)ether—present only in trace amounts
4-Bromophenyl phenyl ether—present only in trace amounts
2-Chloroethyl vinyl ether—present only in trace amounts
4-Chlorophenyl phenyl ether—present only in trace amounts
Acenaphtylene—present only in trace amounts
Acenaphthene—present only in trace amounts
Anthracene—present only in trace amounts
2-Chloronaphthalene—detected at low levels in the effluent from only a small number of sources
Fluoranthene—present only in trace amounts
Fluorene—present only in trace amounts
Napthalene—detected in the effluent from only a small number of sources
Phenathrene—present only in trace amounts
Butyl benzyl phthalate—present only in trace amounts
Diethy phthalate—present only in trace amounts
Dimethyl phthalate—detected in the effluent from only a small number (3) of sources and uniquely related to only those sources
Di-n-butyl phthalate—present only in trace amounts
1,2-Dichloropropane—present only in trace amounts
Acrylonitrile—detected in the effluent from only a small number (1) of sources and uniquely related to only those sources.
Chloradane—detected in the effluent from only a small number (1) of sources and uniquely related to only those sources.
Bis (2-chloroethyl)ether—Proposed for regulation only in those processes in which it is the manufactured product; proposed to be excluded from regulation in all other process pending collection of adequate monitoring data.

* Addition to the previously listed pollutants not to be regulated found in Appendix E at (47 FR 54011–54012).

Appendix E.—Priority Pollutant Not To Be Regulated Pending Further Data Collection

Chlordane
Arsenic
1,2-Dichloropropene
TCDD

Appendix F.—Summary of Additional Methods Operation Configuration

Method	Instrument technique	Column/sorbent	Experimental conditions/programs	Detection	QA/QC,[1] average percent recovery,[2] relative standard deviation[3]
801 2,4-D	GC	3 percent SP2401 on 100/120 mesh	95 percent Ar/5 percent methand	EGD	Not available (Ref. 1).
		Supelcoport	30 mL/min, isothermal		Not available.
		2.7 m x 3 mm ID, glass	160°C		5.0 percent.
802 Demeton	GC	15 percent OV-17 on 60/80 mesh	He, 20 mL/min	NPD	Not available (Ref. 1).
		Chromosorb W., DMCS	210° C, isothermal		Not available.
		0.9 m x 2 mm ID, glass			Not available.
803 Azinphos methyl	GC	10 percent DC-200 on 80/100 mesh	He, mL/min	NPD	Not available (Ref. 1).
		Gas Chrom Q	205° C, isothermal		Not available.
		0.45 m x 2 mm ID, glass			Not available.
804 Disulfoton	GC	15 percent OV-17 on 60/80 mesh	He, 20 mL/min	NPD	Not available (Ref. 1).
		chromosorb W, DMCS	215° C, isothermal		Not available.
		0.9 mx x 2 mm ID, glass			Not available.
805 Diazinon	GC	3 percent OV-101 on 80/100 mesh	N_2, 100 mL/min	FPD phosphorus filter 526 nm	Not available (Ref. 1).
		Gas Chrom Q	170° C, isothermal		Not available.
		1.8 m x 2 mm ID, glass			Not available.
806 Parathion methyl	GC	4 percent SE-30/6F OC-210 on	180° C, isothermal	FPD phosphorus filter 526 nm	Not available (Ref. 1).
		Gas Chrom Q			Not available.
		1.8 m x 2 mm ID, glass			Not available.
807 Parathion methyl	GC	2 percent OV-101 on 100/120	He carrier gas	NPD	Not available (Ref. 1).
Parathion ethyl		mexh Chromosorb W, HP	190° C, isothermal		Not available.
		1.2 m x 2 mm ID, glass			Not available.
808 Atrazine	GC	10 percent DC-200 on 80/100 mesh	He, 28 mL/min	FID	Not available (Ref. 1).
		Chromosorb W	195° C., isothermal		98 ± 3.9.
		1.8 m x 2 mm ID, glass			± (2.3-5.5 percent).
809 Ethoprop	GC	10 percent U.C. W-98 on	He, 60 mL/min	TC or FID	Not available (Ref. 1).
		Chromosorb W AW DMCS	220° C, isothermal		Not available.
		0.6 m x 2 m ID			O.5-30 percent.
		stainless steel			
810 2,4-D	GC	(1) 1.5 percent OV-17/1.95 percent OV-210	95 percent Ar/5 percent methane	ECD	Spikes and duplicates (Ref. 1).
		on 80/100 mesh Gas Chrom Q	70 mL/min		56-96.
		1.8 m x 2 mm ID, glass	815° C, isothermal		0-35.
		(2) 5 percent OV-210	95 percent AR/5 percent Mehane		
		on 100/120 mesh Gas Chrom Q	70 mL/min		
		1.8 m x 2 mm ID, glass	185° C, isothermal		
811 Dicofol	GC	1.5 percent OV-17/1.95 percent QF-1 on	He, 100 mL/min	ECD	Not available (Ref. 10).
		80/100 mesh Supelcoport	184° C, isothermal		Not available.
		2.4 m x 2 mm ID, glass			Not available.
815 Trifluralin	GC	(1) 3 percent OV-225 on 100/120	95 percent Ar/5 percent methane	ECD	Not available (ref. 1).
		mesh Gas Chrom Q	30 mL/min		Not available.
		1.8 m x 2 mm ID, glass	180° C, isothermal		Not available.
		(2) 1.5 percent OV-17/1.5 percent OV-225 on	95 percent Ar/5 percent methane		Not available.
		80/100 mesh Gas Chrom Q	15 mL/min		Not available.
		1.8 m x 2 mm ID glass	160° C, isothermal		Not available.
817 Bentazon	HPLC	Microbondapak C_{18}	65 percent Sodium Acetate	UV	Not available (Ref. 1).
		10 u or	Buffer/35 percent Methanol	340 nm	Not available.
		Radial Pak C_{18}, 10 u	2.0 mL/min		

[1] QA/QC is the first entry opposite each method. The percentage of analytical work load which must be performed is indicated. Sample types which must be included for quality control are also indicated.
[2] Average recovery is given as a range in the first set of numbers.
[3] Relative standard deviation is given as a range in the second set of numbers

Reference 1 is EPA QC protocol as specified in the regulation.

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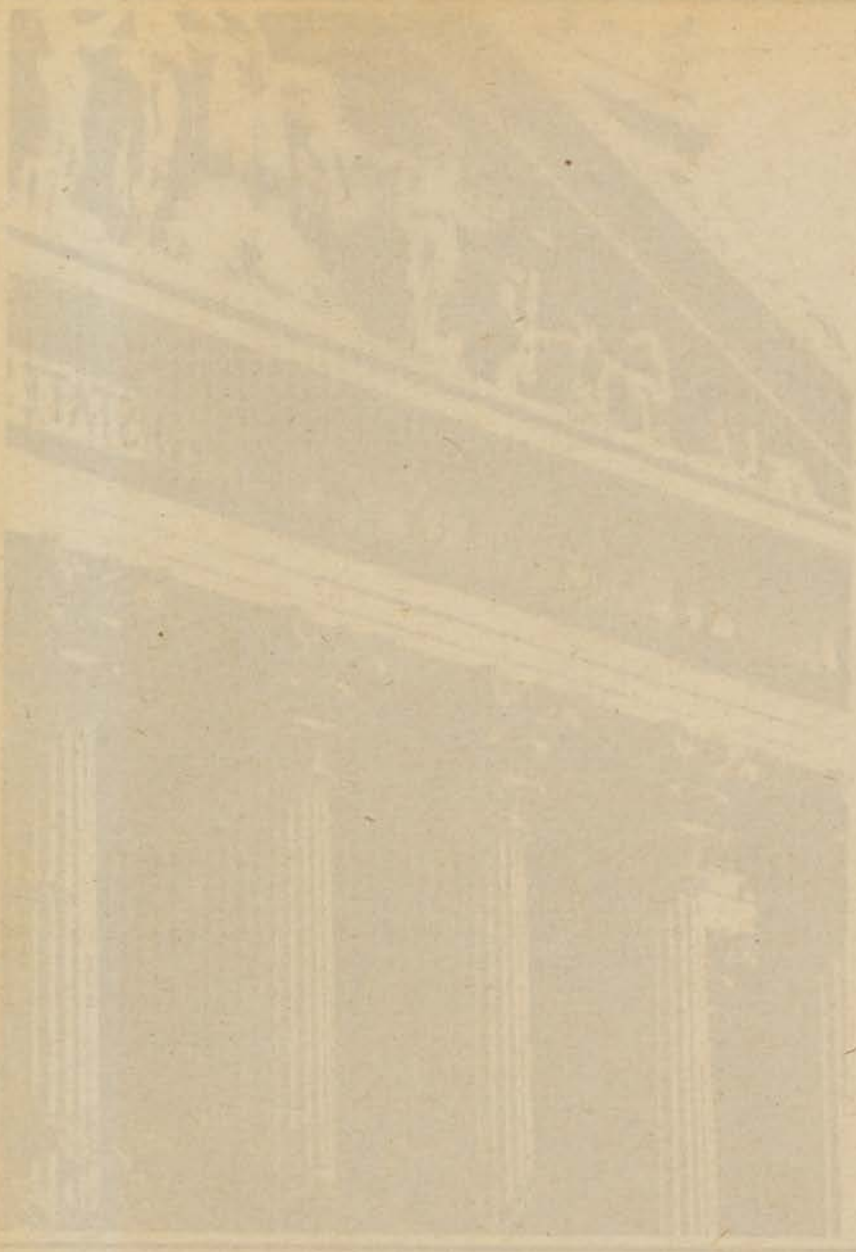
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