

Federal Register

Thursday
June 28, 1984

Selected Subjects

- Administrative Practice and Procedure**
Federal Grain Inspection Service
- Anchorage Grounds**
Coast Guard
- Animal Diseases**
Animal and Plant Health Inspection Service
- Animal Welfare**
Animal and Plant Health Inspection Service
- Authority Delegations (Government Agencies)**
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- Copyrights**
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- Crop Insurance**
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- Customs Duties and Inspection**
Customs Service
- Endangered and Threatened Species**
Fish and Wildlife Service

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Flood Insurance

Federal Emergency Management Agency

Food Labeling

Food and Drug Administration

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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.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 28 and 61

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

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

AMS is also revising the schedule of fees charged for cotton fiber and processing tests and for the purchase of cotton standards under the United States Cotton Standards Act and the Cotton Service Testing Amendment to the Cotton Statistics and Estimates Act. Fees are revised for certain other classification services, cotton linters standards, and cottonseed grading services. All fee revisions reflect increased costs and changed levels of demand for the services offered. No comments were received on the proposed rule. This final rule does not differ from the proposed rule at 49 FR 20507.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2147.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291

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

Since the harvesting of the 1984 cotton crop will begin in July, it is necessary to implement the revised fee for cotton classification services to producers less than 30 days after the publication date to insure that the benefits of the lower fee will accrue to all participating growers during the 1984 cotton season. All of the other fees in this document are for services directly related to the marketing and utilization of cotton. These fees will also become effective less than 30 days after the publication date because, in addition to the reasons stated as to the impact of this action under the Regulatory Flexibility Act, current revenue does not cover the costs of providing these services and the beginning of the 1984 cotton crop year is in July. Also, it is preferable to have all revisions to the cotton fees implemented on the same date. Accordingly, under the administrative provisions of 5 U.S.C. 553, good cause is found for making this action effective July 1, 1984.

Proposed rulemaking was published in the Federal Register at 49 FR 20507 and invited comments for 30 days ending June 14, 1984. No comments were received. This final rule does not differ from the proposed rule.

Classification Fees for Producers

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 95-35) amended section 3a of the Cotton Statistics and Estimates Act (7 U.S.C. 473a), to require that user fees shall be charged for the

classification of producer cotton for fiscal years 1982, 1983, and 1984. This legislation directed the Secretary to set the user fee at a level that when combined with the proceeds from the sale of samples submitted for classification would recover, as nearly as practicable, the cost of the service provided, including administrative and supervisory costs. The Secretary was also directed to take necessary action to insure that the Federal cotton classification system continues to operate to provide an official quality description for the United States cotton crop. The fee for classification of producers' cotton was set at \$1.15 per sample during the 1983 harvest season (7 CFR 28.909(b) at 48 FR 30937-30939).

The classification fee for manual classification service to producers in § 28.909 is decreased from \$1.15 to \$1.05 per sample. This decrease in the fee is possible due to the following conditions: (1) Anticipated volume of cotton to be classed from the 1984 crop is substantially above the volume of cotton classed from the 1983 crop. In the 1983 crop 7.7 million bales were produced. The present projections indicate that 11.5 million bales will be produced from the 1984 crop. The 1.5 million bale figure which appeared in the proposal at 49 FR 20507 was corrected to 11.5 million bales at 49 FR 21744. The unit cost of classing is affected by the volume of classings inasmuch as there are certain fixed costs such as salaries and rent which will remain constant whether volume decreases or increases. Since the volume of cotton to be classed from the 1984 crop will be greater than the previous year, the unit cost of classing can be decreased while still providing sufficient revenue to recover the costs of the service; (2) a larger volume of samples acquired for classification purposes will be accumulated for sale, the proceeds for which are used to defray a portion of the classing costs.

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

sample classing fee could become necessary during the year.

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

Paragraph (a) of § 28.910 is revised to specify that the classification memoranda showing the official quality determinations are to be issued in the form of computer punch cards. These cards will be sent to the ginner or an agent designated by the ginner to receive the classification memoranda, rather than returning them to individual cotton producers.

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

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

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

The fee in paragraph (b) of § 28.910 for issuance of a new memorandum of

classification at the request of the owner of the cotton for the business convenience of the owner without the reclassification of such cotton is increased from \$2.00 to \$2.50 per sheet due to increased clerical costs of providing this service.

Standards, Testing and Other Classification Fees

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

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

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

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

As a result, the Agency is increasing the fees listed in 7 CFR 28.123, costs of practical forms of cotton standards. The fees for the 6-sample boxes of American Upland cotton are increased from \$80.00 to \$90.00 for domestic shipments and from \$105.00 to \$125.00 for shipments outside the continental United States. The fees for the 6-sample boxes for American Pima cotton are increased from \$110.00 to \$115.00 for domestic shipments and from \$135.00 to \$150.00 for shipments outside the continental United States. The fees for staple length standards for American Upland cotton are increased from \$11.00 to \$12.00 for

domestic shipments and from \$14.00 to \$16.00 for shipments outside the continental United States. The fees for staple length standards for American Pima cotton are increased from \$12.00 to \$13.00 for domestic shipments and from \$15.00 to \$17.00 for shipments outside the continental United States.

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

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

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

Fees for the practical forms of the official cotton linters standards of the United States (7 CFR 28.151) are also revised because requests for the practical forms have decreased while certain program costs such as salaries and rent remains the same or increased. This rule raises the fee for each box of grade standards for linters from \$80 to \$95 for shipments within the continental United States, and from \$95 to \$130 for deliveries outside the United States. The

fee for staple standards for linters remain the same for deliveries within the United States, and goes from \$17 to \$19 each, for delivery to destinations outside the continental United States to recover the costs of delivery.

The fee in § 28.117 for each new memorandum or certificate issued in substitution for a prior one increases from \$2.00 to \$2.50 per sheet to recover increased clerical costs. The additional hourly fee charged from Form C determinations (7 CFR 28.120 and 28.149) increases from \$15.25 per hour or each portion thereof to \$15.85 per hour, or each portion thereof, plus traveling expenses and subsistence or per diem. The fee in § 28.122 for a complete practical classing examination for cotton or cotton linters increases from \$100.00 to \$110.000.

Cottonseed Grading Fees

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

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

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

List of Subjects

7 CFR Part 28

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

7 CFR Part 61

Cottonseed, Chemists, Samplers, Grades.

Accordingly, 7 CFR Parts 28 and 61 are amended as shown. The Table of Contents is amended accordingly.

PART 28—[AMENDED]

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

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

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

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

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

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

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

§ 28.117 Fee for new memorandum or certificate.

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

* * * * *

§ 28.120 Expenses to be borne by party requesting classification.

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

§ 28.122 Fee for practical classing examination.

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

§ 28.123 Costs of Practical Forms of Cotton Standards.

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

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

	Dollars each box	
	Domestic shipments f.o.b. Memphis, Tenn.	Shipments delivered outside the continental United States
Effective Date: August 16, 1984		
Grade Standards:		
American Upland.....	\$90.00	\$125.00
American Pima.....	115.00	150.00
Standards for length of staple:		
American Upland (prepared in one pound rolls for each length).....	12.00	16.00
American Pima (prepared in one pound rolls for each length).....	13.00	17.00

* * * * *

§ 28.149 Fees and costs; Form C determination.

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

the Department applicable to the Division employee supervising the sampling.

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

Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.05; *Provided*, That no practical form of any of the official cotton linters standards of the United States for grade shall be considered as representing any of such standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The cost of the official standards for grade shall be at the rate of \$95 each, f.o.b. Memphis, Tennessee, for shipments within the continental United States, and \$130 each, delivered to destination, for shipments outside the United States. The cost of the official standards for staple shall be at the rate of \$15 each, f.o.b. Memphis, Tennessee, for shipments within the continental United States, and \$19 each, delivered to destination, for shipments outside the continental United States.

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

§ 28.909 Costs.

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

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

§ 28.910 Classification of samples and issuance of classification data.

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

(1) Classification data for all bales from a gin may be issued on a computer tape or diskette in lieu of computer punch cards. There will be no additional

fee for this service. If the issuance of classification data is requested on computer punch cards as well as on a tape or diskette, the fee for each tape or diskette shall be the higher of \$10.00 or 1 cent per bale. The cost of any tape or diskette not returned to the Division will be billed to the requester.

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

(b) Upon request of an owner of cotton for which classification

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

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

§ 28.956 Prescribed fees.

* * * * *

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

Item No. and Kind of test	Fee per test
15.1 Processing and furnishing of additional yarn: Any yarn number processed in connection with spinning tests. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn	37.00
16.0 Twist in yarns by direct-counting method. Reporting direction of twist and average turns per inch of yarn:	
a. Single yarns based on 40 specimens per lot of yarn	70.00
b. Plied or cabled yarns based on 10 specimens, per lot of yarn	20.00
17.2 Furnishing yarn wound on boards in connection with yarn appearance tests	6.00
18.0 Strength of cotton fabric. Reporting the average warp and filling strength by the grab method as based on 5 breaks for both warp and filling of fabric furnished by the applicant, per sample	16.00
18.1 Cotton fabric analysis. Reporting data on the number of warp and filling threads per inch and weight per yard of fabric as based on at least three (3) 6 x 6-inch specimens of fabric which were processed or furnished by the applicant, per sample	27.00
24.0 Furnishing additional copies of test reports. Include extra copies in addition to the 2 copies routinely furnished in connection with each test item, per additional sheet	1.00
26.0 Calibration cotton for use with High Volume Instruments, per 5 pound package:	
a. By surface delivery	80.00
b. By air delivery within the U.S.	95.00
c. By air delivery outside the U.S.	110.00

PART 61—[AMENDED]

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

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

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

§ 61.43 Fee for sampler's license.

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

§ 61.44 Fee for chemist's license.

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

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

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

§ 61.46 Fees for the review of grading of cottonseed.

For the review of the grading of any lot of cottonseed, the fee shall be \$45. Remittance to cover such fee, in the form of a check, draft, or money order

payable to the "Agricultural Marketing Service, USDA" shall accompany each application for review. Of each such fee collected, \$15 shall be disbursed to each of the two licensed chemists designated to make reanalysis of such seed.

Dated: June 22, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-17106 Filed 6-27-84; 8:45 am]

BILLING CODE 3410-02-M

Federal Grain Inspection Service

7 CFR Part 68

Fees for Certain Commodity Inspection Services and Rice Inspection Services

AGENCY: Federal Grain Inspection Service, USDA.¹

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is: (1) Adjusting certain fees for rice and commodity (pulses, hops, hay, straw, and miscellaneous processed commodities) inspection services performed under the Agricultural Marketing Act of 1946 to cover, as nearly as practicable, projected fiscal year 1984 operating costs; (2) changing the method of assessing certain fees to simplify the fee schedule; and (3) revising various sections of Part 68 of the regulations that pertain to the assessment of fees to eliminate duplicative wording, improve clarity,

¹ Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

and consolidate similar provisions. This final rule is the same as the revisions proposed at 49 FR 17005 except for nonsubstantive technical changes.

EFFECTIVE DATE: August 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Lewis Lebakken, Jr., Information Resources Management Branch, USDA, FGIS, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250; telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been issued under Executive Order 12291 and Departmental Regulation 1512-1. The action has been determined to be "nonmajor" because it does not meet the criteria for major regulatory actions as stated in the Order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule does not have a significant economic impact on a substantial number of small entities because most users of rice and commodity inspection services are not small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

Information Collection and Recordkeeping Requirements

In compliance with the Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implements the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and section 3504(h) of the Act, the information collection and recordkeeping requirements contained in this final rule have been approved by OMB under control number 0580-0002. No comments concerning these requirements were received.

Inspection Service Fees

In the April 23, 1984, Federal Register (49 FR 17005) FGIS proposed specific changes to the fees for rice and commodity inspection services performed under the Agricultural Marketing Act of 1946. In addition, a public meeting was held on May 10, 1984, to discuss with interested parties the proposed changes. No comments were received at the public meeting or during the formal comment period, therefore, the proposed revisions are finalized without change, except for nonsubstantive technical changes as discussed below. The changes proposed included: (1) Adjusting certain fees for rice and commodity inspection services; (2) changing the method of assessing

certain fees; (3) assessing the applicable fee each time appeal inspection service is performed; (4) revising the definition of a regular workday for all inspection services; and (5) assessing fees for costs incurred before and after a request for services is withdrawn or dismissed.

Section 203(h) of the Agricultural Marketing Act of 1946 (AMA) (7 U.S.C. 1622(h)) provides for the collection of fees that are reasonable, and as nearly as practicable, cover the costs of the services rendered.

The Federal Grain Inspection Service (FGIS or Service) continually monitors cost, revenue, and operating reserve levels to assure that there are sufficient resources for the Service's operations. During fiscal year 1983, FGIS continued to reduce staffing levels and implemented other cost-saving measures in an effort to provide cost-effective service. In fiscal year 1983, fees for rice and commodity inspection services did not generate sufficient revenues to cover costs for the combined programs.

During fiscal year 1983, the AMA portion of the FGIS revolving fund costs totalled \$6,722,000. Revenues collected to offset these costs amounted to \$6,523,000, resulting in a loss of \$199,000.

Fiscal Year 1984 Projections

The Service's operating budget for fiscal year 1984 is the basis for establishing the Service's cost of operation and for developing fee levels to generate the required revenue. The operating costs include personnel compensation, personnel benefits, travel, rent, communication, utilities, contractual services, supplies, and equipment. The 3.5 percent Federal pay increase effective January 1, 1984, was absorbed in the fiscal year 1984 operating budget together with an additional 0.5 percent increase.

Fiscal year 1984 AMA projected program costs total \$6,915,000, which is 2.9 percent more than fiscal year 1983 program costs. Revenue is projected to be \$7,006,000 under the revised fee adjustments which equates to a 7.4 percent increase over actual revenues collected in fiscal year 1983. The fee adjustment as finalized will result in a projected margin at the end of fiscal year 1984 of \$91,000 which will begin to gradually rebuild the Service's operating reserves, as appropriate.

Fee Adjustments

The rice inspection fees were last increased on January 1, 1983, and commodity inspection fees on February 4, 1982.

To recover projected fiscal year 1984 costs and gradually replenish the operating reserves, FGIS is: (1)

Adjusting certain fees for rice and commodity inspection services; and (2) changing the method of assessing certain fees to simplify the fee schedule and billing process by promoting uniform application of fees for services performed under the AMA.

Because of the several changes in the method of assessing fees, the current and final fees are not directly comparable. In general, the cost to an applicant for rice and commodity services, which include appeal inspections, will increase, although in some instances the cost may decrease. The actual increase or decrease realized is dependent upon the type, time, and frequency of service requested.

Presently, rice inspection fees are assessed on an hourly basis for commitment and noncommitment service with varying rates for service provided during day, night or weekend, and holiday. For commitment service the current hourly fees are \$25.60, \$30.80, and \$36.20, respectively. For noncommitment service the present hourly fees are \$34.00, \$39.00, and \$44.40, respectively. Pursuant to the revisions in the method of assessing fees for a workday the commitment hourly rate for Monday-Saturday will be \$28.40 and for service performed on Sunday and holiday \$39.40. The noncommitment hourly rate will be \$34.40 and \$48.00, respectively.

Current unit fees for rough, brown, and milled rice are \$19.00, \$16.25, and \$13.50, with the revised fees at \$23.00, \$20.00, and \$14.30, respectively. The fee for factor analyses is increased from \$5.50 to \$8.60.

Present hourly rates for commodity inspection services are assessed at a contract rate of \$16.60 and for noncontract service at \$20.80 with no differentiation for workday. The revised hourly contract rate for service provided Monday-Saturday will be \$18.40 and \$21.00 for Sunday and holiday service, while the noncontract rate will be \$22.40 and \$25.40, respectively. Unit rates for factor analyses of commodities are being reduced by 6 percent. Other unit rates for commodity inspection services vary by commodity and are increased by 7 to 12 percent. Fees for laboratory testing services are increased by approximately 21 percent.

Appeal Inspection Service

Currently, a fee is not assessed for commodity appeal inspections if the result indicates a material error. However, FGIS incurs the cost of performing each appeal inspection. Therefore, FGIS will assess the applicable fee each time appeal inspection service is performed. This

change is consistent with the current method of assessing fees for appeal inspection services in rice.

Workday

For rice inspection services, FGIS currently defines: (1) "Day" as the hours of 6 a.m. to 6 p.m. any Monday through Friday that is not a holiday; (2) "night and weekend" as the hours of 6 p.m. to 6 a.m. Monday through Friday and all day Saturday and Sunday, except holidays; and (3) "holiday" as any legal public holiday as specified in paragraph (a) of Section 6103, Title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by Federal Statute or Executive Order. FGIS presently has one fee for commodity inspection services regardless of when the services are performed.

FGIS has revised the definition of a regular workday for all inspection services as Monday through Saturday, except holidays; and a nonregular workday as any Sunday or holiday.

These revisions will simplify the fee schedule and billing process by promoting uniformity between rice and commodity fee schedules, while more closely reflecting the FGIS budgetary process used to estimate the cost of providing services.

Computing Hourly Rates—Travel

Currently, FGIS: (1) Assesses separate fees for travel time and travel expenses (per diem, subsistence, mileage, and commercial transportation) when rice inspection services are performed more than 20 miles from the FGIS field office or assigned duty station and (2) includes the costs incurred for travel time and travel expenses in the fees for commodity inspection services charged when the Service representative arrives at the point of service. The method of assessing separate fees to cover travel expenses for rice inspection services is an administrative burden to FGIS in relation to the amount of revenue obtained. Therefore, FGIS is including travel expenses in the fees for all official rice inspection service and will continue to include travel expenses in the fees for commodity inspection services.

To recover costs incurred during travel time, FGIS will assess an hourly rate for rice and commodity services from the time a Service representative leaves the FGIS field office or assigned duty station to the service point and return, with no mileage limitation. This method of assessment will simplify the fee schedule and billing process and eliminate the need for a minimum fee

per service request and separate fees to cover travel costs.

Application of Fees When an Application for Service Is Withdrawn or Dismissed

Currently, FGIS assesses a two-hour minimum fee when an application for noncontract service is withdrawn or dismissed. However, FGIS incurs the cost of maintaining these employees and the current rice and commodity noncontract fees include these costs. FGIS is revising the basis for assessing hourly fees when a request for noncontract service is withdrawn or dismissed. Specifically, FGIS will assess hourly fees for the entire period of scheduled noncontract service if the service request is not withdrawn or dismissed by 2 p.m., local time, of the business day preceding the date of scheduled service. However, no fee will be assessed for the time that the Service representative can be utilized elsewhere or if the Service representative can be released without cost to the Service.

Additional Fees

Current rice and commodity inspection service fees include the cost for preparing certificates at the FGIS field office during established working hours. On occasion, FGIS receives requests to provide onsite typing of certificates or typing of certificates at the field office outside established working hours. The costs of these services are not included in the current fees. Therefore, FGIS will assess applicable contract or noncontract hourly fees for onsite typing of certificates or typing of certificates at the field office outside established working hours.

Currently, FGIS interprets postage and delivery to mean first-class mail service. The cost of more expensive types of mail service is not included in the fees. However, FGIS has received requests to use express-type mail or courier service to expedite the delivery of samples. Therefore, FGIS will bill the applicant for the cost of express-type mail or courier service including related travel time and will clarify the definition for postage and delivery to mean first-class.

Format and Miscellaneous Changes

FGIS is revising, redesignating, combining or removing various sections of 7 CFR Part 68 that pertain to the assessment of fees. The revisions eliminate duplicative wording, improve clarity, and consolidate similar provisions.

Specifically in § 68.43, FGIS is clarifying the criteria for assessing fees when service is delayed for any reason

not caused by the Service. The term "standby time" will no longer be used in this context. Currently, the applicable hourly rice or commodity inspection fees would be assessed when service is delayed for any reason not caused by the Service. Under this revision, applicable hourly rice or commodity fees will be assessed for the entire period of scheduled service if the Service representative is on duty and ready to provide service, but is unable to do so because of a delay not caused by the Service. However, no fees will be assessed for the time that the Service representative can be utilized elsewhere or if the Service representative can be released without cost to the Service.

In the present § 68.42c, the terms "commitment" and "noncommitment" service, are changed to "contract" and "noncontract" service, respectively. The specific provisions of contract services are removed from the regulations because this information appears as part of the terms of the applicant's agreement with FGIS for contract service.

Sections 68.16 and 68.27 of the regulations on the distribution of certificates and the fees charged for extra copies are clarified so that an additional charge of \$3.00 per copy will be assessed when an applicant requests more than an original and three copies of a certificate.

FGIS is revising the format of the fee schedules for certain commodity inspection services (§ 68.42a) and for rice services (current § 68.42c). The revised formats will implement certain changes references above including changes in terminology and the revision to the definition of "workday." The current method of assessing an hourly rate for hay and straw factor analyses is changed to a unit method of assessment to conform with the current unit method of assessing factor analysis fees for other commodities.

FGIS is redesignating § 68.42c as § 68.42b. Previously this section contained the fees for inspection and certification of agricultural and vegetable seeds. Section 68.42b was revised by deleting and incorporating the section in 7 CFR Part 75 in the May 2, 1984, *Federal Register* (49 FR 18721) effective June 1, 1984.

Further, the information contained in the introductory text and in several footnotes to the current fee schedules is removed or incorporated into other section of the regulations. Much of this information is incorporated into § 68.43 which provides an expanded explanation of service fees and additional fees. In § 68.2(v) the definition for Federal-cooperator inspection service is clarified by

incorporating language that currently appears in § 68.43(d). The current language in §§ 68.44 through 68.46 is removed as the information contained in those sections appears in the revised §§ 68.42a, 68.42b, or 68.43, as appropriate.

Several nonsubstantive changes from the proposed rule appear in this final action. These changes include deletion of unnecessary language in § 68.42a, Table 1, footnote 1 and Table 2, a correction to § 68.43(g) to refer to § 68.43(d) instead of § 68.43(b) and the addition of clarifying language to § 68.43(h) and (i).

List of Subjects in 7 CFR Part 68

Administrative practice and procedure, Agricultural commodities, Rice, Export.

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Accordingly, 7 CFR Part 68 is amended as follows:

1. Section 68.2 paragraph (v) is revised to read as follows:

§ 68.2 Terms defined.

(v) "Federal-cooperator inspection service" means inspection service provided by a cooperator under the regulations and the provisions of a cooperative agreement with the Department. Under this service, inspection certificates are issued by the cooperator and all fees and charges are collected by the cooperator, except as provided in the cooperative agreement. The fees and charges assessed by the cooperator shall be reasonable, and as nearly as practicable, cover the cost of providing the service.

2. Section 68.16 is revised to read as follows:

§ 68.16 Inspection certificates; distribution.

Upon issuance, the original and a minimum of one copy of each inspection certificate shall be delivered or mailed to the applicant or to the applicant's order. A maximum of three copies of the inspection certificate may be furnished to the applicant without an additional charge. In addition, one copy of each inspection certificate shall be filed with the office providing the inspection, and one copy shall be forwarded to the office supervising the inspection.

3. Section 68.27 is revised to read as follows:

§ 68.27 Appeal inspection certificate, distribution.

Upon issuance, the original and a minimum of one copy of each inspection certificate shall be delivered or mailed to the appellant or the the appellant's order. A maximum of three copies of the inspection certificate may be furnished to the appellant without an additional charge. A copy shall also be furnished to each interested party of record, and to the agency or field office that performed the inspection that was appealed.

(Approved by the Office of Management and Budget under control number 0580-0002)

4. Section 68.34 is revised to read as follows:

§ 68.34 Conditions and order upon which inspection service is furnished.

(a) *Conditions of service.* Service under the regulations in this Part will be furnished only if the applicant has complied with the Act and the regulations in this Part prescribing the conditions upon which service is made available.

(b) *Order of service.* Official services shall be performed, to the extent practicable, in the order in which requests for service are received. Precedence shall be given, as necessary, to: (1) Contract service participants; (2) requests for appeal service; (3) requests for service by Government agencies; and (4) requests by regular users of the service.

5. Section 68.42a is revised to read as follows:

§ 68.42a Fees for certain Federal inspection services.

The following fees apply to the Federal inspection services specified below.

Fees for Inspection of Hops, Pulses, Hay, Straw and Miscellaneous Processed Commodities

TABLE 1.—HOURLY RATES

Service ¹	Regular work-day (Monday-Saturday)	Non-regular work-day (Sunday and Holiday)
Contract (per hour per Service representative)	\$18.40	\$21.00
Noncontract (per hour per Service representative)	22.40	25.40

¹ Original and appeal inspection services include: grading, sampling, factor analysis, checkweighing, checkloading, condition examination, demonstration of grading, and other services requested by the applicant when performed at the point of service.

TABLE 2.—UNIT RATES

Service ¹	Bean, pea and lentil	Hay and straw	Hops	Non-graded, Nonprocessed commodities
Lot or sample (per lot or sample)		\$15.00	\$22.40	
Field run (per lot or sample)	\$15.00			
Other than field run (per lot or sample)	11.20			
Factor analysis (per factor)	3.75	3.75		\$3.75
Extra copies of certificates (per copy)	3.00	3.00	3.00	3.00

¹ Fees apply to determinations (original or appeal) for kind, class, grade, factor analysis, and any other quality designation as defined in the official U.S. Standards or applicable instructions when performed at other than the point of service.

TABLE 3.—LABORATORY FEES¹

	Fees
Laboratory report	\$3.00
Laboratory testing:	
(a) In addition to the fees if any, for sampling or other requested service a fee will be assessed for each laboratory test as follows:	
(1) Acidity Greek	6.30
(2) Acid value—oil	6.30
(3) Aflatoxin (Minicolumn method)	18.90
(4) Aflatoxin (TLC)	44.00
(5) Appearance, flavor and odor—oils	3.15
(6) Arachidic acid	12.10
(7) Ash	7.70
(8) Bacteria count	7.90
(9) Baking test—bread	18.90
(10) Baking test—cake	26.50
(11) Baking test—cookies	23.60
(12) Baume	6.30
(13) Bostwick (cooked)	12.60
(14) Bostwick (uncooked)	6.30
(15) Calcium (AOAC)	7.90
(16) Calcium enrichment	7.90
(17) Carotenoid color	9.45
(18) Checked and broken macaroni units	6.30
(19) Clarity of oil involving heating	6.30
(20) Cold test—oil	6.30
(21) Coliform	18.90
(22) Color—bleached	9.45
(23) Color—gardner	3.15
(24) Color—lovibond	3.15
(25) Color—oil and shortening	3.15
(26) Congeal point	15.10
(27) Cooking test	6.30
(28) Crude fat	6.30
(29) Crude fiber	10.10
(30) Density	6.30
(31) Dextrose equivalent	18.90
(32) Diastatic activity of flour	18.90
(33) Enrichment—quick test	3.15
(34) Falling number	6.30
(35) Farinograph characteristics	23.60
(36) Fat—acid hydrolysis	12.60
(37) Fat acidity	9.45
(38) Fat stability—AOM	12.60
(39) Filth—heavy	15.60
(40) Filth—light	18.90
(41) Flash point—open and close cup	9.45
(42) Foam test	18.90
(43) Foots—heated and/or chilled	6.30
(44) Foreign material—processed grain products	9.45
(45) Free fatty acids	6.30
(46) Heating test—oil and shortening	6.30
(47) Hydrogen ion concentration pH	9.45
(48) Insoluble bromides	6.30
(49) Insoluble impurities—oil and shortening	6.30
(50) Iodine number or value	9.45
(51) Iron enrichment	12.60
(52) Linolenic acid (fatty acid profile)	12.10
(53) Lipid phosphorous	47.00
(54) Loaf volume	18.90
(55) Lysine from fortification	23.10
(56) Lysine from hydrolysis of protein	12.10
(57) Maltose value—flour	18.90
(58) Marine oil in vegetable oil qualitative	6.30
(59) Melting point—Wiley	12.60
(60) Moisture—distillation	9.45

TABLE 3.—LABORATORY FEES¹—Continued

	Fees
(61) Moisture—oven	4.40
(62) Moisture and volatile matter oil and shortening	6.30
(63) Neutral oil loss	18.90
(64) Nitrogen solubility index	15.70
(65) Oven leak test—oil can	9.45
(66) Oil content—oilseed	9.45
(67) Particle size—flour	14.90
(68) Performance test—prepared bakery mix	21.70
(69) Peroxid value	6.30
(70) Phosphorous	12.60
(71) Popping value—popcorn	18.90
(72) Potassium bromate—qualitative	3.15
(73) Potassium bromate—quantitative	9.45
(74) Protein dispersibility index	15.70
(75) Protein, Kjeldahl	7.30
(76) Purity—Monosodium glutamate	25.20
(77) Reducing sugars	18.90
(78) Refractive index	9.45
(79) Riboflavin	25.20
(80) Rope spore count	31.50
(81) Salmonella	37.00
(82) Salt content	9.45
(83) Saponification number	9.45
(84) Sedimentation	15.70
(85) Sieve test	4.40
(86) Smoke point	9.45
(87) Softening point	12.60
(88) Solid fat index	21.80
(89) Specific baking volume—cake mix	21.80
(90) Specific gravity—oils	12.60
(91) Starch damage—flour	14.90
(92) Staphylococcus aureus	24.50
(93) Sucrose	18.90
(94) Test weight per bushel—other than grain	2.60
(95) <i>Tilletia contovera</i> Kuhn(TCK)	25.20
(96) Unsaponifiable matter	12.60
(97) Urease activity	9.45
(98) Viscosity	12.60
(99) Water soluble protein	15.70
(100) Xanthhydrol test for rodent urine	12.60
(101) Other laboratory tests	(²)

(b) If a requested test is to be reported on a specified moisture basis, a fee for moisture test will also be assessed.

¹ When laboratory testing service is provided for FGIS by a private laboratory, the applicant will be assessed a fee which, as nearly as practicable, covers the costs to FGIS for the service provided.

² Fees for other laboratory tests not referenced above will be based on the noncontract hourly rate listed in Table 1.

6. Section 68.42c is redesignated as section 68.42b and is revised to read as follows:

§ 68.42b Fees for certain Federal rice inspection services.

The fees shown in tables 1 and 2 apply to Federal rice inspection services.

Fees for Federal Rice Inspection Services

TABLE 1.—HOURLY RATES

Service ¹	Regular work-day (Monday-Saturday)	Non-regular work-day (Sunday and Holiday)
Contract (per hour per Service representative)	\$28.40	\$39.40
Noncontract (per hour per Service representative)	\$34.40	\$48.00

¹ The hourly rate includes sampling, grading, weighing and other services requested by the applicant when performed at the point of service.

TABLE 2.—UNIT RATES

Service ¹	Rough rice	Brown rice for processing	Milled rice
Inspection for quality (per lot, subplot, or sample inspection).....	\$23.00	\$20.00	\$14.30
Factor analysis for any single factor (per factor).....	8.60	8.60	8.60
Interpretive line samples: ²			
(a) Milling degree (per set).....			60.00
(b) Parboiled light (per sample).....			15.00
Extra copies of certificates (per copy).....	3.00	3.00	3.00

¹ Fees apply to determinations (original or appeals) for kind, class, grade, factor analysis, equal to type, milling yield, or any other quality designation as defined in the U.S. Standards for Rice or applicable instructions, whether performed singly or combined at other than the point of service.

² Interpretive line samples may be purchased from the U.S. Department of Agriculture, Federal Grain Inspection Service, Field Management Division, Board of Appeals and Review, Richards-Gebaur AFB, Building #221, Grandview, MO 64030. Interpretive line samples also are available for examination at selected FGIS field offices. A list of field offices may be obtained from the Deputy Director, Field Management Division, USDA, FGIS, Washington, DC 20250.

The interpretive line samples illustrate the lower limit for milling degrees only and the color limit for the factor "Parboiled Light" rice.

7. Section 68.43 is amended by revising paragraphs (a), (b), (c), and (d); and adding new paragraphs (e), (f), (g), (h), and (i) to read as follows:

§ 68.43 Explanation of service fees and additional fees.

(a) *Definitions relating to the fees.*

The following definitions shall apply to the terms used in §§ 68.42a and 68.42b.

(1) Regular workday shall mean any Monday through Saturday that is not a holiday.

(2) Nonregular workday is any Sunday or holiday.

(3) Holiday shall mean the legal public holidays specified in paragraph (a) of section 6103, Title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by Federal Statute or Executive Order. Under section 6103 and Executive Order 10357, as amended, if the specified legal public holiday falls on a Saturday, the preceding Friday shall be considered to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be considered to be the holiday.

(4) Service representative shall mean an authorized employee of the Service or a person licensed by the Administrator.

(5) Contract service shall mean any service performed under a contract between an applicant and the Federal Grain Inspection Service.

(b) *Costs included in the fees.* Fees for official services in §§ 68.42a and 68.42b include: (1) The cost of performing the service and related supervision and administration costs; (2) the cost of per diem, subsistence, mileage or commercial transportation to perform the service; (3) the cost of first class mail

service; (4) the cost of overtime and premium pay; and (5) the cost of certification except as provided in § 68.43(d).

(c) *Computing hourly rates.* Hourly fees will be assessed in quarter hour increments for: (1) Travel from the FGIS field office or assigned duty location to the service point and return; and (2) the performance of the requested service, less mealtime.

(d) *Additional fees.* Fees in addition to the applicable hourly or unit fee will be assessed when: (1) An applicant requests more than the original and three copies of a certificate; (2) an applicant requests onsite typing of certificates or typing of certificates at the FGIS field office during other than normal working hours; and (3) an applicant requests the use of express-type mail or courier service.

(e) *Application of fees when service is delayed by the applicant.* Hourly fees will be assessed when: (1) Service has been requested at a specified location; (2) a Service representative is on duty and ready to provide service, but is unable to do so because of a delay not caused by the Service; and (3) FGIS officials determine that the Service representative(s) cannot be utilized elsewhere or cannot be released without cost to the Service.

(f) *Application of fees when an application for service is withdrawn or dismissed.* Hourly fees will be assessed to the applicant for the scheduled service if the request is withdrawn or dismissed after the Service representative departs for the service point, or if the request for service is not withdrawn or dismissed by 2 p.m. of the business day preceding the date of scheduled service. However, hourly fees will not be assessed to the applicant if the FGIS officials determine that the Service representative can be utilized elsewhere or if the Service representative can be released without cost to the Service.

(g) *To whom fees are assessed.* Fees for official services including additional fees as provided in § 68.43(d) shall be assessed to and paid by the applicant for the services.

(h) *Advance payment.* As necessary, the Administrator may require that fees shall be paid in advance of the performance of the requested service. Any fees paid in excess of the amount due shall be used to offset future billings, unless a request for a refund is made by the applicant.

(i) *Time and form of payment—(1) Fees for Federal inspection service.* Bills for fees assessed under the regulations for official services performed by FGIS

shall be paid by check, draft, or money order, payable to U.S. Department of Agriculture, Federal Grain Inspection Service.

(2) *Fees for Federal-cooperator inspection service.* Fees for inspection services pursuant to a cooperative agreement shall be paid by the applicant in accordance with the terms of such agreement.

§ 68.44 [Reserved]

8. Section 68.44 is amended by removing existing language and reserving the section.

§ 68.45 [Reserved]

9. Section 68.45 is amended by removing existing language and reserving the section.

§ 68.46 [Reserved]

10. Section 68.46 is amended by removing existing language and reserving the section.

(Secs. 203, 205, ch. 966 title II, Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

Dated: June 15, 1984.

Kenneth A. Gilles,
Administrator.

[FR Doc. 84-17208 Filed 6-27-84; 8:45 am]

BILLING CODE 3410-EN-M

Federal Crop Insurance Corporation

7 CFR Part 436

[Doc. No. 1086S; Amdt. No. 2]

Tobacco (Guaranteed Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Tobacco (Guaranteed Plan) Crop Insurance Regulations (7 CFR Part 436), effective for the 1984 and succeeding crop years, by: (1) Changing the policy to make it easier to read; (2) adding volcanic eruption as an insurable cause of loss; (3) adding a provision regarding the insurability of irrigated acreage where no irrigated practice is established by the actuarial table; (4) adding a provision which provides for determination of indemnities based on the acreage report rather than at loss adjustment time; (5) providing a coverage level in the event that an insured does not select one; (6) providing procedures for reporting a loss when a loss is probable; (7) adding a 60-day claim for indemnity provision; (8) adding a hail/fire provision for

appraisals of uninsured causes; (9) adding a section regarding appraisals following the end of the insurance period; (10) changing the cancellation/termination dates to conform with farming practices; (11) providing that any change in the policy will be available in the service office by a certain date; (12) revising the market price definition to allow for the use of the preceding crop year's average market price in loss determinations on acreage released prior to harvest; (13) adding a definition for "service office;" (14) revising the unit definition to provide for unit determination when the acreage report is filed; and (15) adding a section concerning "descriptive headings," "notices" and "determinations;" and (16) redesignating Appendix B to Part 436 as Appendix A, listing the counties wherein Tobacco (Guaranteed Plan) Crop Insurance is otherwise authorized to be offered.

In addition, FCIC issues a new subsection in 7 CFR Part 436 to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements. The intended effect of this rule is to update the policy for insuring tobacco (Guaranteed Plan) in accordance with Departmental Regulation 1512-1 (December 15, 1983), requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements.

EFFECTIVE DATE: July 30, 1984.

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Department Regulation 1512-1 (December 15, 1983). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), because it will not have an annual effect on the economy of \$100 million or more, and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which these

regulations apply are: Title—Crop Insurance; Number 10.450.

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

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

On Thursday, November 10, 1983, FCIC published a notice of proposed rulemaking in the *Federal Register* at 48 FR 51638, to amend the Tobacco (Guaranteed Plan) Crop Insurance Regulations (7 CFR Part 436), as outlined in the summary to this document. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, the proposed rule as published is hereby adopted with minor and nonsubstantive clerical changes as a final rule effective for the 1984 and succeeding crop years.

List of Subjects in 7 CFR Part 436

Crop insurance, Tobacco (guaranteed plan).

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Tobacco (Guaranteed Plan) Crop Insurance Regulations (7 CFR Part 436), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 436 is:

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

2. 7 CFR 436.3 is added to read as follows:

§ 436.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 436) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

3. 7 CFR 436.7(d) is revised to read as set forth below:

§ 436.7 [Amended]

(d) The application for the 1984 and succeeding crop years is found at

Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Tobacco (Guaranteed Plan) Insurance Policy for the 1984 and succeeding crop years, are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Guaranteed Production Plan of Tobacco—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.) AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.
a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

- (1) Adverse weather conditions;
- (2) Fires;
- (3) Insects;
- (4) Plant disease;
- (5) Wildlife;
- (6) Earthquake;
- (7) Volcanic eruption; or
- (8) Failure of the irrigation water supply from an unavoidable cause occurring after the beginning of planting, unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(5).

b. We will not insure against any loss of production due to:

- (1) The neglect, mismanagement, or wrong doing of you, any member of your household, your tenants or employees;
- (2) The failure to follow recognized good tobacco farming practices;
- (3) The impoundment of water by any governmental, public or private dam or reservoir project; or
- (4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.
a. The crop insured shall be tobacco of the type shown as insurable by the actuarial table, which is grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be tobacco planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share will be your share as landlord, owner-operator, or tenant in the insured tobacco at the time of planting.

d. We do not insure any acreage:
(1) On which the tobacco was destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture;
(2) Where the farming practices carried out are not in accordance with the farming

practices for which the premium rates have been established;

(3) Which is destroyed and we determine it is practical to replant to tobacco and such acreage is not replanted;

(4) Initially planted after the final planting date contained in the actuarial table, unless you agree or our form agree to coverage reduction;

(5) Planted to tobacco of a discount variety under the provisions of the tobacco price support program;

(6) Planted to a type or variety of tobacco not established as adapted to the area or excluded by the actuarial table; or

(7) Tobacco planted for experimental purposes.

e. Where insurance is provided for an irrigated practice:

(1) You must report as irrigated only the acreage for which you have adequate facilities and water to carry out a good tobacco irrigation practice at the time of planting; and

(2) Any loss of production caused by failure to carry out a good tobacco irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause. The failure or

breakdown of irrigation equipment or facilities will not be considered as a failure of the water supply from an unavoidable cause.

Insurance will not attach on an irrigated basis on acreage otherwise insurable on such basis unless it is reported and designated as irrigated at the time the acreage is reported.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of acreage, share, practice, and yield.

You must report on our form:

a. All the acreage of insurable types of tobacco in the county in which you have a share;

b. The practice;

c. Your share at the time of planting; and

d. The most recent year's production for insurable acreage on each unit.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any tobacco planted in the county. This report must be submitted annually on or before the reporting date established by the actuarial table. All indemnities may be determined on the basis of information you have submitted on this

report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. The production guarantee will be reduced by 35 percent for any unharvested acreage.

c. Coverage level 2 apply if you do not elect a coverage level.

d. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE ¹

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss ratio ² through previous crop year	Percentage adjustment factor for current crop year															
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year ³															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss ratio ² through previous crop year	Percentage adjustment factor for current crop year															
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	106	112	116	120	124	126	132	136	140	144	148	152
1.40 to 1.69	100	100	100	106	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	126	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

¹ For premium adjustment purposes, only the years during which premiums were earned shall be considered.

² Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

³ Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

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

c. Any premium adjustment applicable to the contract will be transferred to:

(1) The contract of your estate or surviving spouse in case of your death; -

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium will be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a will be applicable.

6. Deductions for Debt. Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period. Insurance attaches when the tobacco is planted and ends at the earliest of:

- a. Total destruction of the tobacco;
- b. Weighing-in at the tobacco warehouse;
- c. Removal of the tobacco from the unit (except for curing, grading, packing or immediate delivery to the tobacco warehouse);
- d. Final adjustment of a loss; or
- e. April 30 immediately following the normal harvest period.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:
(a) During the period before harvest, the tobacco on any unit is damaged and you decide not to further care for or harvest any part of it;

(b) You want our consent to put the acreage to another use; or

(c) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the tobacco and given written consent. We will not consent to another use until it is too late to replant. You must notify us when such acreage is put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice must be given. Where harvest of the unit is to be completed within 7 days of the date notice of probable loss is given, a representative sample of the tobacco (at least 10 feet wide and the entire length of the field) must be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) Notice must be given immediately if any insured tobacco is destroyed or damaged by fire during the insurance period.

(5) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

- (a) Total destruction of the tobacco on the unit;
- (b) The date marketing or other disposal of the insured tobacco is completed on the unit; or
- (c) The calendar date for the end of the insurance period.

b. You must obtain written consent from us before you destroy any of the tobacco which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

- (1) Total destruction of the tobacco on the unit;
- (2) The date marketing or other disposal of the insured tobacco on the unit is completed; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of tobacco on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of tobacco to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity will be reduced proportionately.

e. The total production to be counted for a unit will include all harvested and appraised production.

(1) Tobacco production which, due to insurable causes, has a value less than the market price for tobacco of the same type, will be adjusted by:

(a) Dividing the value per pound by the market price per pound; and

(b) Multiplying the product by the number of pounds of such tobacco.

(2) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good tobacco farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) Only the appraisal in excess of 35 percent of the production guarantee for all other unharvested acreage.

(3) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage:

(a) Is not put to another use before harvest of tobacco becomes general in the county;

(b) Is harvested; or

(c) Is further damaged by an insured cause before the acreage is put to another use.

(4) We may determine the amount of production of any unharvested tobacco on the basis of field appraisals conducted after the end of the normal harvest period.

(5) When you have elected to exclude hail and fire as insured causes of loss and the tobacco is damaged by hail or fire, appraisals for uninsured causes will be made in accordance with Form FCI-78, "Request to Exclude Hail and Fire".

(6) The commingled production of units will be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. You must not abandon any acreage to us.

g. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue

us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

h. We will pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event will we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the tobacco is planted for any crop year, any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such violation will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may only assign to another party your right to an indemnity for the crop year on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all tobacco produced on each unit including separate records showing the same information for production from any

uninsured acreage. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim will be the date you sign such claim; or
(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date payment was approved.

d. The cancellation and termination dates are April 15.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. However, if such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

f. The contract will terminate if no premium is earned for five consecutive years.

16. Contract Changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by December 31 preceding the cancellation date. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of guaranteed tobacco crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding tobacco insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the tobacco is normally grown and will be designated by the calendar year in which the tobacco is normally harvested.

d. "Harvest" means:

(1) The completion of cutting or priming of tobacco on any acreage;

(2) From which at least 20 percent of the production guarantee per acre shown by the actuarial table is cut or primed.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Market price" means the average price determined by us for the applicable type of tobacco. Such price will be the:

(1) Average price for the preceding crop year for any unit which is not to be harvested; or

(2) The average price for the current crop year for any unit or part thereof which is harvested.

h. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

i. "Planting" means transplanting the tobacco plant from the bed to the field.

j. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

k. "Tenant" means a person who rents land from another person for a share of the tobacco or a share of the proceeds therefrom.

1. "Unit" means all insurable acreage of an insurable type of tobacco in the county on the date of planting for the crop year:

(1) in which you have a 100 percent share; or

(2) which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the tobacco on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. Units as herein defined will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Appendix B [Redesignated as Appendix A]

4. 7 CFR Part 436 is further amended by redesignating Appendix B as Appendix A.

Done in Washington, D.C., on May 1, 1984.

Dated: June 19, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-17087 Filed 6-27-84; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 441

[Docket No. 1097S]

Table Grape Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby issues a new part in Chapter IV of Title 7 of the Code of Federal Regulations to prescribe procedures for insuring table grapes effective for the 1984 and succeeding crop years. The intended effect of this rule is to provide insurance for table grapes as a separate commodity from wine grapes. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: July 30, 1984.

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 (December 15, 1983). This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not

a major rule as defined in Executive Order No. 12291 (February 17, 1981), because it will not have an annual effect of the economy of \$100 million or more, and (2) will not increase the Federal paperwork burden on individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

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

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

On Friday, October 7, 1983, FCIC published a notice of proposed rulemaking in the *Federal Register* at 48 FR 45782, to issue a new part in Chapter IV of Title 7 of the Code of Federal Regulations prescribing procedures for insuring table grapes. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, the proposed rule as published with minor clerical changes is hereby adopted as a final rule, effective for the 1984 and succeeding crop years.

Background

The grape crop insurance program is presently applicable to growers of both wine and table grapes; however, experience has indicated that, in order for there to be an equitable application, there should be separate regulations prescribing the procedures for insuring table grapes. This judgment has evolved from discussions with producers and processors where such grapes are produced. With a table grape crop insurance program, FCIC is responding to many requests for such a program.

List of Subjects in 7 CFR Part 441

Crop insurance. Table grapes.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*) the Federal Crop Insurance Corporation hereby issues a new Part 441 in Chapter IV of Title 7 of the Code of Federal Regulations, effective for the 1984 and succeeding crop years, to be known as 7 CFR Part 441—Table Grape Crop Insurance Regulations.

Part 441 is added to read as follows:

PART 441—TABLE GRAPE CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec.

- 441.1 Availability of table grape insurance.
 - 441.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities will be computed.
 - 441.3 OMB control numbers.
 - 441.4 Creditors.
 - 441.5 Good faith reliance on misrepresentation.
 - 441.6 The contract.
 - 441.7 The application and policy.
- Appendix A—Counties Designated for Table Grape Crop Insurance

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

§ 441.1 Availability of table grape insurance.

Insurance shall be offered under the provisions of this subpart on table grapes in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties will be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there will be published by appendix to this part the names of the counties in which table grape insurance will be offered.

§ 441.2 Premium rates, production guarantees, coverage levels and prices at which indemnities will be computed.

(a) The Manager will establish premium rates, production guarantees, coverage levels, and prices at which indemnities will be computed for table grapes which will be shown on the actuarial table on file in applicable service offices and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant must elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 441.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR 441) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

§ 441.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution,

bankruptcy, involuntary transfer as other similar interest shall not entitle the holder of the interest to any benefit under the contract except as provided by the policy.

§ 441.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the table grape insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms for the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than \$100,000.00, finds: (1) That an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 441.6 The contract.

(a) The insurance contract will become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract will cover the table grape crop as provided in the policy. The contract consists of the application, the policy, the appendix, and the county actuarial table. Any changes made in the contract will not affect its continuity from year to year. Forms referred to in the contract are available at the service offices.

§ 441.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the table grape crop as landlord, owner-operator, or tenant. The application must be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the service office for the county and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1984 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a table grape contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37; 400.38, first published at 48 FR 1023, January 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Table Grape Insurance Policy are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Table Grape—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.) AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application, and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of Loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

- (1) Adverse weather conditions;

- (2) Fire;
- (3) Wildlife;
- (4) Earthquake;
- (5) Volcanic eruption;
- (6) Direct Mediterranean Fruit Fly damage;

or

(7) When an irrigation practice applies, failure of the water supply from an unavoidable cause occurring after the insurance attaches, unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(6). Direct Mediterranean Fruit Fly damage will be actual physical damage to the grapes on the unit which causes such grapes to be unmarketable and will not include such grapes being unmarketable as a direct result of a quarantine, boycott, or refusal to accept the grapes by any entity without regard to actual physical damage to such grapes.

b. We will not insure against any loss of production due to:

- (1) The neglect, mismanagement or wrong doing of you, any member of your household, your tenants or employees;
- (2) The failure to follow recognized good table grape management practices;
- (3) The impoundment of water by any governmental, public or private dam or reservoir project; or
- (4) Any cause not specified in section 1a as an insured loss.

2. Crop, Acreage, and Share Insured.

a. The crop insured will be any insurable variety of grapes grown for harvest as table grapes on insured acreage on which the cultural practices to produce table grapes are carried out and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be grapes grown on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share will be your share as landlord, owner-operator, or tenant in the insured grapes at the time insurance attaches.

d. We do not insure any acreage:

- (1) On which the vines, after being set out, have not reached the number of growing seasons designated by the actuarial table;
- (2) Which has not produced an average of 150 lugs of table grapes per acre;
- (3) Which does not have acceptable records of production unless we agree in writing to insure such acreage; or
- (4) With less than a 90 percent stand of bearing vines based on the original planting pattern, unless we agree in writing to insure such acreage.

e. Where insurance is provided for an irrigated practice:

- (1) You must report as irrigated only the acreage for which you have adequate facilities and water to carry out a good grape

irrigation practice at the time insurance attaches; and

(2) Any loss of production caused by failure to carry out a good grape irrigation practice, except failure of the water supply from an unavoidable cause occurring after the insurance attaches, will be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities will not be considered as a failure of the water supply from an unavoidable cause.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the time insurance attaches.

3. Report of Acreage, Share, Yield, and Practice.

You must report on our form:

- a. All the acreage of grapes in the county on which cultural practices to produce table grapes are carried out and in which you have a share;
- b. The practice;
- c. Your share at the time insurance attaches;

d. The number of bearing vines (if less than 90 percent of a stand based on the original planting pattern); and

e. The most recent year's production for insurable acreage on each unit.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any grapes grown in the county. This report must be submitted annually on or before the reporting date established by the actuarial table. All indemnities may be determined on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production Guarantees, Coverage Levels, and Prices for Computing Indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual Premium.

a. The annual premium is earned and payable at the time insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time insurance attaches, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE ¹

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss ratio ² through previous crop year	Percentage adjustment factor for current crop year															
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	85	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year ³															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss ratio ² through previous crop year	Percentage adjustment factor for current crop year															
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

¹ For premium adjustment purposes, only the years during which premiums were earned shall be considered.² Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.³ Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

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

c. Any premium adjustment applicable to the contract will be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the vineyard operation; or

(3) Your contract if you stop vineyard operations in one county and start vineyard operations in another county.

d. If participation is not continuous, any premium will be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a will be applicable.

6. Deductions for Debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance Period.

Insurance attaches on February 1 and ends on the earliest of:

a. Total destruction of the grapes on the unit;

b. Discontinuance of cultural practices to produce table grapes;

c. The date harvest should have started on the unit on any acreage which will not be harvested as table grapes;

d. Discontinuance of harvesting of table grapes on the unit;

e. Final adjustment of a loss; or

f. October 31 of the calendar year in which the grapes are normally harvested.

8. Notice of Damage or Loss.

a. In case of damage or probable loss:

(1) You must give us written notice if during the period before harvest, the grapes on any unit are damaged and you decide not to further care for or harvest any part of them.

(2) You must give us notice:

(a) At least 15 days before the beginning of harvest if you anticipate a loss on any unit; or

(b) Immediately, if damage occurs within 15 days prior to harvest or during harvest.

(3) If you are going to claim an indemnity on any unit notice will be given not later than 48 hours;

(a) After total destruction of the grapes on the unit;

(b) After discontinuance of cultural practices to produce table grapes;

(c) After discontinuance of harvest on the unit; or

(d) Before harvest would normally start if any acreage on the unit is not to be harvested as table grapes.

(4) Unless notice has been given under subsection (3) above, and in addition to the other notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earlier of:

(a) Harvest of the unit; or

(b) October 31.

b. You must obtain written consent from us before you destroy any of the grapes which are not be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for Indemnity.

a. Any claim for indemnity on a unit will be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the grapes on the unit;

(2) Discontinuance of harvesting as table grapes on the unit;

(3) The date harvest should have started on the unit on any acreage which will not be harvested as table grapes;

(4) Final harvest of the unit; or

(5) October 31.

b. We will not pay any indemnity unless you:

(1) Establish the total production of grapes on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of grapes to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity will be reduced proportionately.

e. The total production to be counted for a unit will include all harvested and appraised production.

(1) Mature grape production which, due to insurable causes, does not grade No. 1 or better in accordance with the Official United States Standards, or would not meet these requirements if properly handled, will be adjusted by:

(a) Dividing the value per lug of such grapes by the price per lug of U. S. No. 1 grapes; and

(b) Multiplying the result by the number of lugs of such grapes. The applicable price for No. 1 grapes will be the week ending price for the district as reported by the Federal State Market Service, Fresno, California on the earlier of: the week before the loss is adjusted or the week before such grapes were sold.

(2) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes, failure to follow recognized good table grape management practices and any change in management practices (Green Drop);

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause, or destroyed by you without our consent;

(c) Any appraised production on unharvested acreage.

(3) Any appraisal we have made on insured acreage will be considered production to count unless such appraised production:

(a) Is not harvested before the harvest of grapes becomes general in the county;

(b) Is harvested; or

(c) Is further damaged by an insured cause;

(4) If any grapes are harvested before normal maturity, the production of such grapes will be increased by the factor obtained by dividing the price per lug received for such grapes by the price per lug for fully matured grapes.

(5) We may determine the amount of production of any unharvested grapes on the basis of field appraisals conducted after discontinuance of harvest or the end of the insurance period.

(6) When you have elected to exclude hail and fire as insured causes of loss and the grapes are damaged by hail or fire, appraisals for uninsured causes will be made in accordance with Form FCI-78, "Request to Exclude Hail and Fire".

(7) The commingled production of units will be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. You must not abandon any acreage to us.

g. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1506(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

h. We will pay the loss within 30 days after we reach agreement with you or entry of a

final judgment. In no instance will we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the beginning of the insurance period any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or Fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of Right to Indemnity on Insured Share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of Indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and Access to Farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all grapes produced on each unit including separate records showing the same information for production from any uninsured acreage. Any person designated by us will have access to such records and the farm from purposes related to the contract.

15. Life of Contract: Cancellation and Termination.

a. This contract will be in effect for the crop year specified on the application and

may not be canceled for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity will be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date such payment was approved.

d. The cancellation and termination dates are January 31.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. However, if such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

f. The contract will terminate if no premium is earned for five consecutive years.

16. Contract Changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by October 31 preceding the cancellation date. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of Terms.

For the purposes of table grape crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding table grape insurance in the county.

b. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

d. "Crop year" means the period beginning with the date insurance attaches and extending through normal harvest time and will be designated by the calendar year in which the grapes are normally harvested.

e. "Harvest" means picking the grapes from the vines.

f. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

g. "Insured" means the person who submitted the application accepted by us.

h. "Lug" means 22 pounds of table grapes in the Coachella Valley district, California, and 23 pounds in all other California districts.

i. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise of legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

j. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

k. "Table grapes" means the grapes which are grown for commercial sales as fresh grapes, on acreage which the cultural practices to produce fresh marketable grapes were carried out.

l. "Tenant" means a person who rents land from another person for a share of the grapes or a share of the proceeds therefrom.

m. "Unit" means all insurable acreage of grapes in the county, located on contiguous land, on the date insurance attaches for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the grapes on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. Units as herein defined will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive Headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time

unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Appendix A—Counties Designated for Table Grape Crop Insurance

The following counties are designated for Table Grape Crop Insurance under the provisions of 7 CFR § 441.1.

California

Fresno	Riverside
Kern	San Bernardino
Kings	San Joaquin
Madera	Stanislaus
Merced	Tulare

Done in Washington, D.C., on June 20, 1983.

Dated: June 19, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-17121 Filed 6-27-84; 8:45 am]

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Federal Grain Inspection Service

7 CFR Part 800

Fees for Official Inspection, Official Weighing and Supervision of Official Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is: (1) Adjusting fees to cover, as nearly as practicable, the projected fiscal year 1984 operating costs, including related supervisory and administrative costs, for official services performed under the United States Grain Standards Act (USGSA); (2) assessing uniform fees for services with similar costs; (3) changing the method of assessing fees for some services to simplify the fee schedules; and (4) revising supervision of inspection and weighing fees for certain delegated States under an expanded "Delegation of Authority." This final rule is the same as the revisions proposed at 49 FR 17009, except for several nonsubstantive technical changes.

EFFECTIVE DATE: August 1, 1984.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Information Resources Management Branch, USDA, FGIS, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250; telephone (202) 362-1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued under Executive Order 12291 and Departmental Regulation 1512-1. The action has been determined to be "nonmajor" because it does not meet the criteria for major regulatory actions as stated in the Order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, Federal Grain Inspection Service (FGIS or Service), has determined that this revised rule does not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because: (1) This revised rule applies to a limited number of delegated States and designated agencies under the USGSA which are not considered small entities as they are dominant in their area of operation; and (2) most other users of FGIS services are not considered small entities. Moreover, FGIS is required by statute to make services available and to cover the estimated costs of providing such services, as nearly as practicable.

In the April 23, 1984, Federal Register (49 FR 17009) FGIS proposed specific changes to the fees for Official Inspection, Official Weighing and Supervision of Official Service's performed under the United States Grain Standards Act (USGSA). A correction docket was published on April 26, 1984, at 49 FR 17950. In addition, a public meeting was held on May 10, 1984, to discuss with interested parties the proposed changes. The comment period ended May 23, 1984. Ten written comments were received on the proposed rule. Six commenters generally opposed any increase in FGIS fees with some commenters indicating that FGIS should become more cost-effective.

As discussed below, FGIS continually monitors its costs, revenues, and operating reserve levels. Based upon the Service's fiscal year 1984 operating budget, FGIS has established its costs of operation and has developed fees to generate required revenues. The fees as proposed and finalized herein are necessary to cover FGIS costs. Further, FGIS has implemented cost-saving measures so as to provide cost-effective services.

Four commenters supported the proposed decrease in FGIS fees assessed for supervision of official agencies. FGIS will continue to monitor its fiscal position to provide cost-effective services.

More specific comments received by FGIS are discussed in relation to the individual revisions referenced below. On the basis of all information available, FGIS has concluded that it is necessary to revise the FGIS fee schedule as follows:

Inspection, Weighing, and Supervision Fees in the United States and Canada

The United States Grain Standards Act (USGSA), as amended (7 U.S.C. 71 *et seq.*), requires that FGIS charge and collect fees that cover the estimated cost for performing official inspection, weighing, and appeal inspection services and related administrative and supervisory costs. Further, the USGSA requires that delegated States and designated official agencies pay fair and reasonable fees to cover the estimated costs to FGIS to supervise these agencies. Official inspection and weighing services include grading (original inspection), weighing (Class X or Y), sampling, stowage examination, equipment testing, scale testing and certification, test weight reverification, railroad track scale testing, equipment evaluation, demonstrating official inspection and weighing functions, furnishing standard illustrations, and certifying official inspection and weighing results. Appeal inspection services include reinspection, appeal inspection, Board Appeal inspection, and review of weighing.

Fiscal Year 1983 Cost/Revenue

FGIS continually monitors cost, revenue, and operating reserve levels to assure that there are sufficient resources for the Service's operations. During fiscal year 1983, FGIS continued to reduce staffing levels and implement other cost-saving measures in an effort to provide cost-effective service. In fiscal year 1983 (1) fees for original inspection, Class X and Y weighing, and appeal inspection services performed in the United States and Canada did not generate sufficient revenues to cover costs, and (2) supervision fees for official inspection and weighing services provided by delegated States and designated agencies generated revenues in excess of costs. Fiscal year 1983 USGSA revolving fund costs and prior year adjustments totaled \$26,123,000. Revenue collected to offset these costs totaled \$25,659,000, resulting in a loss of \$464,000.

Fiscal Year 1984 Projections

The Service's operating budget for fiscal year 1984 is the basis for establishing the Service's cost of operations and for developing fees to generate the required revenue. The

operating costs include personnel compensation, personnel benefits, travel, rent, communications, utilities, contractual services, supplies and equipment. The 3.5 percent Federal pay increase effective January 1, 1984, was absorbed in the fiscal year 1984 operating budget together with the additional 0.5 percent increase.

For fiscal year 1984, USGSA projected program operating costs total \$27,154,000, which is 3.9 percent more than fiscal year 1983 program costs. Revenue is projected to be \$28,164,000 under the proposed fee adjustments or a 9.7 percent increase over actual revenues collected in fiscal year 1983. This provides for a projected positive margin of \$1,010,000, which would begin to rebuild gradually the Service's operating reserves, as appropriate.

Fee Adjustments

USGSA fees were last revised on January 1, 1983.

FGIS is adjusting certain fees for official inspection, official weighing, appeal inspection services and supervision of inspection and weighing provided in the U.S. and Canada to recover projected fiscal year 1984 operating costs.

FGIS also is changing the method of assessing fees for some services by assessing: (1) Regular workday fees for service provided Monday through Saturday; (2) nonregular workday fees for service performed on Sundays and holidays; (3) hourly fees for all official services from the time a Service representative departs from the FGIS field office or assigned duty station to the service point and return; (4) hourly fees for the entire period of scheduled service if the service request is not canceled by 2 p.m., local time, of the business day preceding the date of scheduled service; and (5) fees to cover the cost of applicant requested express-type or courier mail service, including any travel time involved. In conjunction with these changes FGIS is not assessing: (1) Separate fees for travel costs such as mileage, per diem, subsistence, and commercial transportation and (2) separate fees for standby time. These changes are designed to simplify the fee schedules and billing process and establish uniformity among fees for FGIS services.

In an effort to promote uniformity in fees, FGIS is assessing the same fees for services with similar costs. Specifically, the changes assess: (1) Hourly fees for Class Y weighing services and (2) hourly fees for reinspection and appeal inspection services at locations where FGIS provides original inspections. These fees will be identical to the hourly

fees for original inspection or official weighing.

Because of the several changes in the method of assessing fees, the current and revised fees are not directly comparable. The cost to an applicant will increase for the following services provided in the U.S. or Canada: (1) Original inspection; (2) Class X and Y weighing; (3) appeal inspections provided at locations where FGIS does not provide original inspections; and (4) supervision of official weighing services on railcars performed by delegated States and designated agencies. Costs to an applicant will decrease for the following services in the U.S. or Canada: (1) Reinspection and appeal inspections performed at locations where FGIS provides original inspection service; (2) Board appeal inspections; and (3) supervision of inspection and weighing services, excluding supervision of weighing on railcars, performed by delegated States and designated agencies. The actual increase or decrease realized is dependent upon the type (contract/noncontract), time, and frequency of the service requested.

One commenter indicated that he was not in agreement with the proposed Canadian fees, especially those for contract services. The fees as proposed and finalized herein are necessary to recover the costs of FGIS operations while at the same time achieving uniformity and simplicity in the fee schedules, where possible. FGIS carefully developed the proposed fees to accomplish the purposes indicated above. As such, no changes are made from the fee structure in the proposal.

Regular Workday/Nonregular Workday

Currently, regular workday means 6 a.m. to 6 p.m., local time, Monday through Friday, except holidays, and nonregular workday means holidays and any other time that is not a regular workday. FGIS is revising the definition for regular workday to mean 24 hours per day Monday through Saturday except holidays, and nonregular workday to mean any Sunday or holiday. Two commenters questioned the proposed inclusion of Saturday as a regular workday and its effect on FGIS operations. FGIS reviewed this matter and has determined that this change will simplify the fee schedules and billing process while more closely reflecting the FGIS budgetary process used to estimate the cost of providing service. Therefore, these proposals will be finalized without change.

Computing Hourly Rates—Travel

Currently, FGIS includes the costs incurred for travel time and travel expenses (per diem, subsistence, mileage, and commercial transportation) in the hourly fee for original inspection and official weighing services (excluding special services). However, FGIS assesses separate fees for travel time and travel expenses incurred when providing reinspections, appeal inspections, and special services more than 20 miles from the FGIS field office or assigned duty station. Assessing separate fees to cover travel expenses is an administrative burden to FGIS. Therefore, FGIS is including travel expenses in the hourly rate for all official services.

Two commenters indicated that the proposed revisions to travel time would adversely affect certain service locations removed from field offices. One commenter noted that the change in the method of accessing Class Y weighing fees from a unit to an hourly basis would burden distant locations. As discussed, previously, the actual impact of the revisions made to the fee schedules depends upon the type (contract or noncontract), and frequency of requests for services. Additionally, the need for minimum fees is eliminated by these revisions as are separate travel costs, such as mileage, per diem, subsistence and commercial transportation. FGIS has reviewed these revisions and determined that no changes are necessary.

To recover costs incurred during travel time, FGIS is assessing an hourly rate for all services from the time a Service representative leaves the FGIS field office or assigned duty station to the service point and return, with no mileage limitation. This method of assessment simplifies the fee schedules and billing process, and eliminates the need for a minimum fee and separate fees to cover travel expenses.

Application of Fees When an Application for Service is Withdrawn or Dismissed

Currently, FGIS assesses hourly fees when a request for service is withdrawn or dismissed after Service representatives have departed for the point of service. FGIS incurs the cost of maintaining these employees. Under this revision FGIS will assess hourly fees for the entire period of scheduled noncontract service if the service request is not canceled by 2 p.m., local time, the business day preceding the date of scheduled service. However, no fee will be assessed if Service representatives can be utilized

elsewhere or can be released without cost to the Service.

Additional Fees

Currently, FGIS interprets postage and delivery to mean first-class mail service. The cost of more expensive types of mail service, i.e., express-type mail or courier service, is not included in the fees. FGIS will assess an additional fee to cover the cost of express-type mail or courier services, including related travel time, when requested by the applicant. In conjunction with this revision, FGIS defines the "cost of postage and delivery" as "first-class mail service."

Class Y Weighing Fees

Currently, FGIS fees for Class Y weighing are assessed on a unit basis with the level of the fee varying by carrier type. FGIS will assess the same hourly rate for Class Y weighing service as the hourly rate for Class X. This change is to simplify the fee schedules and billing process, while assessing the same fee where costs are the same or very similar. As discussed previously, one commenter indicated that changing Class Y weighing to an hourly fee would have an immediate and adverse effect on the marketing program. FGIS does not anticipate that this revision will have such an adverse impact. Accordingly, this revision is finalized as proposed.

Reinspection/Appeal Inspection

Currently, FGIS assesses a unit fee for grading service on all reinspections and appeals. Under this rule FGIS will assess the applicable contract/noncontract hourly fee for reinspection or appeal inspection service at locations where original inspection is provided by FGIS. This change will assess the same fee where costs are the same or very similar.

FGIS is retaining unit fees for grading appeal inspections when not performed at locations where original inspection is provided by FGIS. The cost of mileage, per diem/subsistence and/or commercial transportation is included in the fee.

Delegation of Authority to Certain Delegated States

FGIS is expanding the Delegation of Authority to certain qualified States to: (1) Administer sampler and technician licensing examinations; (2) provide the States with direct access to FGIS Headquarters on delegated program matters; and (3) increase the States' responsibility for supervising employee performance through the use of a national quality control program; and (4) replace the FGIS field office with an

FGIS manager responsible for oversight and cooperative management of the delegated program. These modifications will: (1) Improve the efficiency and economy of the FGIS/Delegated State Program while permitting the Administrator to retain responsibility and control of the delegated program; and (2) reduce FGIS' operating cost in those delegated States. FGIS' savings relating to the supervision of inspection and weighing activities delegated to the State will accrue to the benefit of the delegated State in the form of lower supervision fees. This is intended to offset the increased costs incurred by the State due to the added delegated responsibilities.

The fees assessed will cover FGIS field and Headquarter costs relating to the supervision of programs delegated to the State. The amount to be paid by the State will be determined annually by FGIS on the basis of a review of current and projected operating costs.

Therefore, FGIS is revising the applicable supervision fees and method of assessment for those State agencies delegated additional responsibilities. Supervision fees will be assessed as set forth in the State's "Delegation of Authority" document.

FGIS initially plans to expand the delegation of authority and assess revised fees to the States of California and Washington. Before making a final determination to expand these specific delegations to other delegated State agencies, FGIS will review the effectiveness of the implementation of these added responsibilities by the States of California and Washington.

Miscellaneous Changes

FGIS is revising, redesignating, combining or removing certain sections of 7 CFR Part 800 that pertain to the assessment of fees. These revisions eliminate duplicative wording and improve clarity.

In § 800.46(b)(5), FGIS is expanding the requirement for service requests to be made in a timely manner to ensure the performance of service on any day including nonbusiness days. Currently, the requirement for timely arrangement only applies to requests for service to be performed during other than a business day. This change is being made to conform with other changes in the application of fees when a service request is withdrawn or dismissed. The definition of "business day" at § 800.0(b)(12) is revised to conform with the above changes.

In § 800.73, FGIS is clarifying the criteria for assessing fees when service is delayed for any reason not caused by

the Service. The term "standby time" will no longer be used in this context. Currently, the applicable hourly rate for inspection or weighing service would be assessed when service is delayed for any reason not caused by the Service and the Service representative cannot be utilized to provide service elsewhere or released without cost to the Service.

Under this revision, the applicable inspection or weighing hourly fee will be assessed for the entire period of scheduled service if the Service representative is on duty and ready to provide service, but is unable to do so because of a delay not caused by the Service. However, no fees will be assessed for the time that the Service representative is utilized elsewhere or released without cost to the Service. FGIS is increasing or decreasing fees and altering the method of assessing the fees as described in this revision in order to cover the costs of providing the services. Furthermore, in order to provide services, it is necessary to increase the revenue generated from fees for some services. The revisions contained in this final rule are the same as those published in the proposed rule of April 23, 1984 (49 FR 17009).

Several nonsubstantive changes from the proposed rule appear in the final action. These changes include a correction to the definition of "business day." The reference to § 800.0(b)(13) in the proposal is changed to § 800.0(b)(12). Minor format changes to the fee tables have also been made.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, Grain.

PART 800—GENERAL REGULATIONS

Accordingly, 7 CFR Part 800 of the regulations is amended as follows:

1. Section 800.0, paragraph (b)(12) is revised to read as follows:

§ 800.0 Meaning of terms.

(b) Definition. . . .

(12) Business day. The established field office working hours, any Monday through Friday that is not a holiday or the working hours and days established by an agency.

2. Section 800.46 paragraph (b)(5) is revised to read as follows:

§ 800.46 Requirements for obtaining official services.

(b) General requirements. . . .

(5) Timely arrangements. Requests for service shall be made in a timely manner by the applicant with the FGIS

field office or agency; otherwise, official personnel may not be available to provide the requested service. For the purpose of this paragraph "timely manner" shall mean not later than 2 p.m., local time, of the preceding business day.

3. Section 800.71 paragraph (a) is revised to read as follows:

§ 800.71 Fees assessed by the Service.

(a) Official inspection and weighing services. The fees shown in Schedules A and B apply to official inspection and weighing services performed by FGIS in the United States and Canada. The fees shown in Schedule C apply to official inspection and weighing services performed by delegated States and designated agencies in the United States, except for those State agencies that have been delegated additional responsibilities by FGIS. These States shall be assessed fees as set forth in the State's Delegation of Authority document. Failure of a delegated State or designated agency to pay prescribed fees within 30 days after being due, shall result in automatic termination of the delegation or designation. The delegation or designation shall be reinstated if fees currently due, plus interest and any further expenses incurred by the Service because of the termination are paid within 60 days of the termination.

SCHEDULE A.—FEES FOR OFFICIAL INSPECTION, WEIGHING, AND APPEAL INSPECTION SERVICES, PERFORMED IN THE UNITED STATES.¹

Inspection & weighing service (bulk or sacked grain)	Regular workday (Monday to Saturday)	Nonregular workday (Sunday and Holiday)
(1) Original inspection and official weighing:		
(i) Contract (per hour per service representative).....	\$25.00	\$34.00
(ii) Noncontract (per hour per service representative).....	30.40	41.40
(2) Reinspection, appeal inspection, Board appeal inspection and review of weighing services: ^{2, 3}		
(i) Grading service:		
(A) Grade and factors (per sample).....	43.40	56.40
(B) Protein test (per sample).....	10.85	14.10
(C) Factor determination (per factor).....	21.70	28.20
(ii) Sampling services (per hour per service representative).....	43.40	56.40
(iii) Review of weighing service (per hour per service representative).....	43.40	56.40
(3) Extra copies of certificates (per copy).....	3.00	3.00

¹ Official inspection and weighing services include, but are not limited to grading, weighing, sampling, stowage examination, equipment testing, scale testing and certification, test weight reverification, evaluation of inspection and weighing equipment, demonstrating official inspection and weighing functions, furnishing standard illustrations, and certifying inspection and weighing results.

² Fees for reinspection and appeal inspection services performed at locations where FGIS is providing original inspection service shall be assessed at the applicable contract or noncontract hourly rate as the original inspection. However, if additional personnel are required to perform the reinspection or appeal inspection service, the applicant will be assessed the noncontract original inspection hourly fee.

³ If at the request of the Service a file sample is located and forwarded by an agency for an official appeal, the agency may, upon request, be reimbursed at the rate of \$2.50 per sample by the Service.

SCHEDULE B.—FEES FOR OFFICIAL INSPECTION, WEIGHING, AND APPEAL INSPECTION SERVICES PERFORMED IN CANADA¹

Inspection and weighing service (bulk or sacked grain)	Regular workday (Monday to Saturday)	Nonregular workday (Sunday and Holiday)
(1) Original inspection services and official weighing services: ^{2, 3}		
(i) Contract services (per hour per service representative).....	\$36.40	\$44.40
(ii) Noncontract service (per hour per service representative).....	45.00	54.00
(2) Extra copies of certificates (per copy).....	3.00	3.00

¹ Official inspection and weighing services include, but are not limited to grading, weighing, sampling, stowage examination, equipment testing, scale testing and certification, test weight reverification, evaluation of inspection and weighing equipment, demonstrating official inspection and weighing functions, furnishing standard illustrations, and certifying inspection and weighing results.

² Fees for reinspection and appeal inspection services shall be assessed at the applicable contract or noncontract hourly rate as the original inspection. However, if additional personnel are required to perform the reinspection or appeal inspection service, the applicant will be assessed the noncontract original inspection hourly fee.

³ Board appeal inspections are based on file samples. See § 800.71, Schedule A for Board Appeal fees.

TABLE 1

SCHEDULE C.—FEES FOR FGIS SUPERVISION SERVICES OF OFFICIAL INSPECTION AND WEIGHING SERVICES PERFORMED BY DELEGATED STATES AND/OR DESIGNATED OFFICIAL AGENCIES IN THE UNITED STATES¹

Inspection services (bulk or sacked grain)	Official inspection or reinspection services
(1) Official sample-lot inspection service (white certificate):	
(i) For official grade and official factor determinations:	
(A) Truck or trailer (per inspection) ² ..	\$0.50
(B) Boxcar or hopper car (per inspection) ² ..	1.60
(C) Barge (per inspection).....	10.25
(D) Ship (per ship) ³ ..	82.00
(E) All other lots (per inspection) ^{2, 4} ..	0.50
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection) (maximum 2 factors) ³ ..	0.30
(B) Protein test (per inspection) ^{2, 5} ..	0.25
(2) Stowage examination services:	
(A) Ship (per stowage certificate).....	5.00
(B) Other carriers (per stowage certificate).....	0.30
(3) Warehouseman's sample-lot inspection service (yellow certificate) or submitted sample inspection service (pink certificate):	
(i) For official grade and official factor determinations (per inspection).....	0.50
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection) (maximum 2 factor) ..	0.30
(B) Protein test (per inspection) ^{2, 5} ..	0.25

TABLE 1—Continued

Inspection services (bulk or sacked grain)	Official inspection or reinspection services
(4) Reinspection services:	
(i) Truck, boxcar, hopper car, barge, ship, warehouseman's sample-lot, submitted sample, factor determination, and all other lots (per inspection)	0.50
(ii) Protein test (per inspection)	0.25

Note—The footnotes for table 1 are shown at the end of table 2.

TABLE 2

Official services (bulk or sacked grain)	Official weighing services (class X)
(1) Official weighing services:	
(A) Truck or trailer (per carrier)	\$.50
(B) Boxcar and hopper car (per carrier)	1.60
(C) Barge (per carrier)	10.25
(D) Ship (per carrier) ³	82.00
(E) All other lots (per lot or part lot) ⁴	.50

¹ The fees include the cost of supervision functions performed by the Service for the official inspection and weighing services performed by the delegated States and/or designated official agencies.

² A fee shall be assessed for each carrier or sample inspected if a combined lot certificate is issued or a uniform loading plan is used to determine grade.

³ A fee shall be assessed per ship regardless of the number of lots or sublots loaded at a specific service point. A fee shall not be assessed for divided original certificates.

⁴ All other lots inspection services include, but are not limited to sampling service, condition examinations, examination of grain in bins, and containers. For weighing services all other lots include, but are not limited to, seavans and in-house bin transfers.

⁵ Fees shall be assessed for a maximum of 2 factors. If more than 2 factors are determined, fees are assessed at rates in Table 1 (1)(i) or (3)(i) above, as applicable, based on carrier or type sample represented.

⁶ Fees shall be assessed for each sample tested for protein.

4. Section 800.72 is revised to read as follows:

§ 800.72 Explanation of service fees and additional fees.

(a) *Costs included in the fees.* Fees for official inspection, Class X or Class Y weighing, and related services performed in the United States and Canada include: (1) The cost of performing the service and related supervision and administration costs; (2) the cost of per diem or subsistence during travel and the cost of transportation to perform the service; (3) the cost of first-class mail service; (4) the cost of overtime and premium pay; and (5) the cost of certification, except as provided in section 800.72(b) (1) and (2).

(b) *Additional fees.* Fees in addition to the hourly or unit fee will be assessed when an applicant requests: (1) More than the original and three copies of a certificate; (2) onsite typing of certificates or typing of certificates at the FGIS field office during other than normal office working hours; and (3) the

use of express-type mail or courier mail service.

5. Section 800.73 is amended by revising paragraph (a), revising paragraph (b), revising paragraphs (c)(1) and (c)(2), redesignating the entire paragraph (c) as (d), and adding a new paragraph (c), revising paragraph (d) and redesignating paragraph (d) as (e), revising paragraph (e) and redesignating paragraph (e) as (f), removing the current paragraph (f), and revising paragraph (g). Section 800.73 is revised to read as follows:

§ 800.73 Computation and payment of service fees; general fee information.

(a) *Computing hourly rates.* Hourly fees will be assessed in quarter hour increments for: (1) Travel from the FGIS field office or assigned duty station to the service point and return; and (2) the performance of the requested service, less mealtime.

(b) *Application of fees when service is delayed by the applicant.* Hourly fees will be assessed for the entire period of scheduled service when: (1) Service has been requested at a specified location; (2) a Service representative is on duty and ready to provide service but the Service representative is unable to do so because of a delay not caused by the Service; and (3) FGIS officials determine that the Service representative cannot be utilized to provide service elsewhere or cannot be released without cost to the Service.

(c) *Application of fees when an application for service is withdrawn or dismissed.* Hourly fees will be assessed to the applicant for the entire period of scheduled service if the request is withdrawn or dismissed after the Service representative departs for the service point, or if the service request is not cancelled by 2 p.m., local time, the business day preceding the date of scheduled service. However, hourly fees will not be assessed to the applicant if FGIS officials determine that the Service representative can be utilized elsewhere or released without cost to the Service or under the provisions set forth in § 800.47(b).

(d) *Definitions relating to fees.* The following definitions shall apply to the terms used in §§ 800.71 through 800.73.

(1) Regular workday shall mean any Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday that is not a holiday.

(2) Nonregular workday shall mean any Sunday or holiday.

(3) Holiday shall mean the legal public holidays specified in paragraph (a) of Section 6103, Title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by

Federal statute or Executive Order. Under Section 610 and Executive Order No. 10357, as amended, if the specified legal public holiday falls on a Saturday, the preceding Friday shall be considered to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be considered to be the holiday.

(4) Service representative shall mean an authorized salaried employee of the Service; or a person licensed by the Administrator under a contract with the Service.

(5) Contract service shall mean an inspection or weighing service performed under a contract between an applicant and the Service.

(e) *To whom fees are assessed.* Fees for inspection, weighing, and related services performed by Service representatives, including additional fees as provided in section 800.72(b), shall be assessed to and paid by the applicant for the services.

(f) *Advance payment.* As necessary, the Administrator may require that fees shall be paid in advance of the performance of the requested Service. Any fees paid in excess of the amount due shall be used to offset future billings, unless a request for a refund is made by the applicant.

(g) *Form of payment.* Bills for fees assessed under the regulations for official services performed by FGIS shall be paid by check, draft, or money order, payable to the U.S. Department of Agriculture, Federal Grain Inspection Service.

(Secs. 8, 9, 18, Pub. L. 94-582, 90 Stat. 2873, 2877, 2884 (7 U.S.C. 79(j), 79a(1), 87(e) as amended by Pub. L. 97-35, 95 Stat. 371, 372)

Dated: June 18, 1984.

Kenneth A. Gilles,
Administrator.

[FR Doc. 84-17207 Filed 6-27-84; 8:45 am]

BILLING CODE 3410-EN-M

Agricultural Marketing Service

7 CFR Part 930

Cherries Grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation fixes free and restricted percentages applicable to cherries acquired by handlers during the 1984-85 fiscal period. This action is necessary to promote orderly marketing

in the interest of producers and consumers.

DATE: Final rule effective May 1, 1984, through April 30, 1985.

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 determined that this action will not have a significant economic impact on a substantial number of small entities.

This rule is issued under Marketing Order No. 930, as amended (7 CFR Part 930), regulating the handling of cherries grown in eight designated states. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon information submitted by the Cherry Administrative Board, established under the order, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

The committee met on June 21, 1984, to consider supply and market conditions and other factors affecting the need for regulation. It recommended setting free and restricted percentages for cherries acquired by handlers. The free percentage fixed for a fiscal period represents the percentage of a particular crop which would meet the expected demand for processed cherries during that year. A quantity of cherries in excess of the estimated demand is represented by the restricted percentage. Restricted percentage cherries may be processed and stored in a reserve pool for the benefit of the growers, or the producer may divert such cherries to dried or juice products, export them to certain foreign countries, or leave such cherries unharvested. Reserve cherries which are pooled are processed and held in storage for later release into normal commercial outlets.

The free and restricted percentages for the 1984-85 fiscal period adopted by the Cherry Administrative Board were based on the production estimate released by the Crop Reporting Board of USDA on June 20, 1984, and other estimates developed by the Cherry Administrative Board relative to potential demand, carryover, etc. Total U.S. production of tart cherries is estimated by the Board to be 283 million pounds, with 263 million pounds of the total expected from the area regulated under the order. The Cherry

Administrative Board recommended free and restricted percentages based upon the following estimates:

	Million pounds
Supply:	
(1) Estimated U.S. production.....	283
(2) Less fresh sales and quantity set aside for additional market growth.....	18
(3) Total.....	265
Demand:	
(4) Total (frozen, canned, other).....	226
Percentages:	
(5) Total supply less total demand (item 3 minus item 4).....	39
(6) Available for processing from regulated area.....	263
(7) Restrict percentage.....	15
(8) Free percentage (100 percent minus restricted percent—item 7).....	85

The estimated demand of 226 million pounds plus the amount set aside for additional market growth would make available for sale a quantity of tart cherries for processing substantially in excess of 110 percent of average sales in recent years. It is hereby found that this action will tend to effectuate the declared policy of the Act.

It is 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 information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at open meetings. It is necessary to effectuate the declared policy of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 930

Marketing agreements and orders, Cherries.

Therefore, a new § 930.300 is added to Subpart—Rules and Regulations which reads as follows:

§ 930.300 Free and restricted percentages.

The free and restricted percentages applicable to all cherries acquired during the fiscal period May 1, 1984, through April 30, 1985, shall be 85 percent and 15 percent, respectively.

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

Dated: June 25, 1984.

Thomas R. Clark,

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

[FR Doc. 84-17290 Filed 6-27-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Aerostar Airlines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States by adding the name of Aerostar Airlines, Inc.

EFFECTIVE DATE: June 18, 1984.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with Aerostar Airlines, Inc. on June 18, 1984 to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier's name to the present listing and is editorial in nature.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES**§ 238.4 [Amended]**

Section 238.4 is amended by adding the name "Aerostar Airlines, Inc." under "At Freeport" and "At Nassau".

(Sections 103 and 238 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 1228))

Dated: June 21, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84-17311 Filed 6-27-84; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****9 CFR Part 50**

[Docket No. 84-056]

Animals Destroyed Because of Tuberculosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the tuberculosis indemnity regulations in 9 CFR Part 50 to make the provisions that apply to cattle also apply to bison. This action is necessary to help eradicate an outbreak of bovine tuberculosis in bison.

DATES: The effective date of this document is June 25, 1984. Written comments must be received on or before August 27, 1984.

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

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell Essey, Cattle Diseases Staff, VS, APHIS, USDA, Room 819, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION:**Background**

Bovine tuberculosis is a contagious, infectious, and communicable disease of cattle, bison, and other species, including humans. Tuberculosis in affected animals is characterized by weight loss and general debilitation. Also, the disease can be fatal.

The regulations in 9 CFR Part 50 (referred to below as the regulations) contain provisions for the payment of indemnities to owners of cattle (and under very limited circumstances to owners of swine) destroyed because of bovine tuberculosis. Under these regulations indemnity is paid to an owner of such animals destroyed because of tuberculosis to encourage the owner to cooperate in the timely removal of infected animals from the herd or, in the case of herd depopulation, to remove foci of infection in an otherwise clean area and thereby prevent transmission of tuberculosis to nearby susceptible herds. This document amends the regulations on an emergency basis to make the provisions that apply to cattle also apply to bison.

This action is necessary to help eradicate an outbreak of bovine tuberculosis originating from bison in South Dakota. Laboratory confirmation of *Mycobacterium bovis*, the cause of bovine tuberculosis, was made on June 8, 1984. Bison known to have been exposed to tuberculosis have been traced from two infected herds in South Dakota to at least 80 premises in 20 States. Bison affected with tuberculosis present a significant risk of spreading the disease to other bison and to cattle.

The regulations were designed to provide an indemnity program which would be effective in helping to eradicate tuberculosis in cattle. Cattle and bison are both of the bovine family. These animals are raised and marketed under similar management practices and the provisions in the regulations for cattle apply equally well for bison.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provisions that are included in this rule have been approved by the Office of Management and Budget (OMB) and have been given the OMB control number 0579-0001.

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule upon signature. It is necessary to make this interim rule effective immediately in order to allow for proper payment of indemnities to owners of bison destroyed because of tuberculosis, thereby encouraging the elimination of these bison as a disease source.

Further, pursuant to the administrative procedure provisions in 5

U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest and good cause is found for making this interim rule effective upon signature. Comments are solicited for 60 days following publication and a final document discussing comments received and any amendments required will be published in the Federal Register.

Executive Order 12291 and Regulatory Flexibility Act

This emergency action has been reviewed in accordance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this action will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It is anticipated that the interim rule will affect less than one percent of the bison in the United States.

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

List of Subjects in 9 CFR Part 50

Animal diseases, Cattle, Hogs, Indemnity payments, Tuberculosis.

PART 50—[AMENDED]

Under the circumstances referred to above, 9 CFR Part 50 is amended as follows:

1. The heading for Part 50 is revised to read "ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS".

§ 50.1 [Amended]

2. Section 50.1(j) is amended by adding "or bison" after "cattle".

3. Section 50.1(m) is amended by adding "or bison" after "cattle".

4. Section 50.1(n) is amended by adding "and bison" after "cattle".

5. Section 50.1(o) is amended by revising "Registered Cattle; Cattle" to read "Registered Cattle or Bison; Cattle or bison".

6. Section 50.1(p) is amended by adding "or bison" after "cattle".

7. Section 50.1(g) is amended by adding "or bison" after "cattle".

§ 50.2 [Amended]

8. Section 50.2 is amended by adding "or bison" after "cattle".

§ 50.3 [Amended]

9. Section 50.3(a) is amended by revising the heading to read "Affected cattle or bison", and by adding "or bison" after "cattle" in the body of the paragraph.

10. Section 50.3(b) is amended by revising the heading to read "Herd depopulation-cattle and bison", and by adding "and bison" after "cattle" each of the three times it appears in the body of the paragraph.

11. Section 50.3(c) is amended by revising the heading to read "Exposed cattle or bison", and by adding "or bison" after "cattle" each of the three times it appears in the body of the paragraph.

12. Section 50.3(d) is amended by adding "or bison" after "cattle".

§ 50.4 [Amended]

13. Section 50.4 is amended by adding "and bison" after "cattle" each of the three times it appears.

§ 50.5 [Amended]

14. Section 50.5 is amended by revising "When any animal in a herd of cattle is" to read "When any cattle or bison in a herd is".

§ 50.6 [Amended]

15. Section 50.6(a) is amended by revising the heading to read "Reactor cattle and bison", and by adding "or bison" after "cattle" in the body of the paragraph.

16. Section 50.6(b) is amended by revising the heading to read "Exposed cattle and bison", and by adding "and bison" after "cattle" in the body of the paragraph.

§ 50.8 [Amended]

17. Section 50.8 is amended by adding "and bison" after "cattle" both times it appears.

§ 50.9 [Amended]

18. Section 50.9 is amended by adding "or bison" after "cattle".

§ 50.10 [Amended]

19. Section 50.10 is amended by adding "or bison" after "cattle".

§ 50.11 [Amended]

20. Section 50.11 is amended by adding "or bison" after "cattle" both times it appears.

§ 50.12 [Amended]

21. Section 50.12 is amended by adding "and bison" after "cattle" both times it appears.

§ 50.14 [Amended]

22. Section 50.14 is amended by adding "or bison" after "cattle" the first, fifth, sixth, seventh, and eighth times it appears, and by adding "and bison" after "cattle" the second, third, and fourth times it appears.

Authority: Secs. 3, 4, 5, 11, and 13, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 3, 76 Stat. 130; 21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, 134b; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 25th day of June 1984.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-17289 Filed 6-25-84; 4:30 pm]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-CE-15-AD; Amendment 39-4885]

Airworthiness Directives; Fairchild Models SA226-TC, SA227-AT, SA227-TT, and SA227-AC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Fairchild Models SA226-TC, SA227-AT, SA227-TT, and SA227-AC airplanes which supersedes AD 84-05-01, Amendment 39-4822. The superseded AD required visual inspection and modification of hydraulic, oxygen and electrical system components in the cockpit area on the aforementioned airplanes. Subsequent to issuance of AD 84-05-01, the manufacturer has developed improved inspection procedures and airplane modifications which increase the reliability and level of safety of these systems. These modify the inspection requirements of the existing AD. The superseding AD incorporates provisions for these changes.

DATE: Effective July 5, 1984.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Fairchild Service Bulletins 24-003 (SA227 series) dated March 21, 1983, 24-021 (SA226) dated May 21, 1983,

32-013 (SA227) dated March 16, 1984, 226-32-046 dated March 19, 1984, 226-35-002, 227-35-003, and 227-25-004 all dated April 23, 1984, applicable to this AD may be obtained from Fairchild Aircraft Corporation, P.O. Box 32486, San Antonio, Texas 78284. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Mr. Mark Schilling, Airplane Certification Branch, ASW-150, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877-2598.

SUPPLEMENTARY INFORMATION: The FAA issued AD 84-05-01, Amendment 39-4822, FR 44-7984, 7985) applicable to Fairchild (Swearingen) Models SA226-TC, SA227-AT, SA227-TT, and SA227-AC airplanes which required repetitive visual inspections of the hydraulic lines, the flammable fluid bags, the brake reservoir vent area, the oxygen lines and the electrical wires in the forward cockpit and modification of the generator control junction box.

Subsequent to the issuance of this AD, the manufacturer has developed a means for detecting hydraulic leaks and fluid in the containment bags without unzipping the bags. The manufacturer also has developed and made available instructions and kits for modification of the brake master cylinder and oxygen system installation which, when incorporated, preclude the conditions the presently required inspections of the hydraulic and oxygen system are intended to control.

Therefore, the FAA has determined that a substantial portion of the action required by AD 84-05-01 is now either inappropriate, inadequate or not necessary and that this AD should be replaced with a new AD incorporating some requirements of AD 84-05-01 and other more appropriate action as follows:

(1) Require a one-time inspection of the hydraulic lines by opening the flammable fluid containment bags and if fluid contamination is found, cleaning following a new cleaning procedure. Subsequent repetitive inspections will use a procedure which requires feeling the bags for fluid.

(2) The repetitive inspection of the bag is discontinued when Fairchild Service Bulletins 226-32-046 or 32-013 are accomplished on the applicable airplanes.

(3) Require a 200-hour repetitive inspection of the brake reservoir vent area for hydraulic contamination and

cleaning, if necessary, on all applicable SA226-TC (S/N 398 and up) and SA227 (all models and serial numbers) that do not have an optional anti-skid system installed.

(4) Discontinue oxygen system repetitive inspections required by AD 84-05-01 when nylon oxygen lines are replaced by aluminum lines in accordance with Fairchild Service Bulletins 226-35-002, 227-35-003 or 227-35-004 as applicable.

(5) Discontinue repetitive inspections of electrical wire bundles in forward cockpit area after initial inspection is accomplished and adequate support and separation of the bundles incorporated.

Since FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued superseding AD 84-05-01 which incorporates the requirements of AD 84-05-01 in part and new appropriate inspection procedures on Fairchild Models SA226-TC, SA227-AC, SA227-AT and SA227-TT airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good causes exist for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Fairchild (Swearingen): Applies to Models SA226-TC, (S/N 398 and up); SA227-AC; SA227-AT and SA227-TT (all serial numbers) airplanes certificated in any category.

Note.—The model prefix has been omitted from serial numbers listed in this AD to simplify the AD. Use the sequential number to determine AD applicability. Compliance: Required as indicated, unless already accomplished.

To prevent cockpit fires, accomplished the following:

(a) On all applicable models and serial numbers, within the next 50 hours' time-in-service after the effective date of this AD, modify and inspect the generator control junction box (J-box) and wire terminations in accordance with Fairchild SB's 24-003 (SA227 series) dated March 21, 1983, or 24-021 (SA226-TC) dated March 21, 1983.

(b) Within 200 hours time-in-service since new or the last inspection per AD 84-05-01 or

50 hours time-in-service after the effective date of this AD, whichever occurs later, and within each 200 hours time-in-service thereafter.

(1) On Models SA226-TC (S/N 398 and up) and SA227-AC, -AT, -TT (S/Ns 406, 415, 416 and 420 and through 583) airplanes;

(i) Verify that all 3 flammable fluid external drains are open.

(ii) Feel the bottom of flammable fluid bag for pockets of oil. If oil is detected, push up lower spot in bag toward either the right or left drain. Verify that oil comes out of one or all of the drains.

Temporarily place rags in lower left bag just forward of the open area to prevent fluid from draining into belly of aircraft.

Remove instruments as necessary to allow access to the bag. Unzip a small portion of the bag to determine cause of leak. Correct cause of leak. Clean bag with rags using Brulin Super 816 detergent in 3 parts water to 1 part detergent or an equivalent industrial cleaner (detergent) per AMS 1526 or 1547 or 1550.

Use rags to clean out any residue that may have collected in the lower left bag. Close all opened flammable fluid protection bags and handshape the bags to encourage flow of leakage toward the bag drains.

(iii) The inspections required by paragraph (b)(1) (i) and (ii) above are not required when improved brake master cylinders are incorporated per Fairchild Service Bulletins 226-32-046 applicable to the Models 226 series airplanes or 32-013, Option 2, applicable to the Model 227 series airplanes.

(2) On Models SA226-TC (S/N TC-398 thru TC-419) and SA227-AC, -AT, and -TT (S/N 406, 415, 416 and 420 thru 609 except AC-580, AC-582 and AC-583) airplanes;

(i) Visually check oxygen lines for separation from moving components and for leakage using MIL-L-25567B leak detector solution or equivalent as specified in Fairchild Maintenance Manual. Minimum clearance between oxygen lines and all moving parts must be at least 2 inches. Give particular attention to the fittings in the vicinity of the cockpit side panels and instrument panel area and the fittings on the oxygen supply line from the oxygen bottle to the cockpit. If leaks are found, prior to further flight, correct as necessary. See Fairchild Maintenance Manual Section 35-00-06 (SA226) and Section 35-00-05 (SA227) for proper maintenance of lines and fittings.

Note.—FAA Advisory Circular 43.13-1A, Chapter 10, paragraph 393, Chapter 8, paragraph 363, contains additional guidance pertaining to these inspections and corrective action.

(ii) The inspections required by paragraph (b)(2)(i) above are not required when Fairchild Service Bulletin SB 226-35-002, 227-35-003 or 227-35-004 as applicable to the Models 226 or 227 series airplanes are incorporated.

(3) On Models SA226-TC (S/Ns 398 and up) and SA227 (all models and S/Ns) airplanes not equipped with optional antiskid system;

(i) Visually inspect the brake reservoir vent area located on the forward pressure bulkhead in front of the pilot for signs of hydraulic fluid contamination.

(ii) Before further flight, clean or replace as necessary any hydraulic fluid-contaminated structure, insulation, or soundproofing.

(c) On Models SA226-TC (S/N TC398 and up) and Models SA227-AC, -AT, -TT (S/Ns 415, 416, and 420 thru 599) airplanes, within 200 hours' time since new or within 50 hours' time-in-service after the effective date of this AD whichever occurs later, visually inspect the electrical wires and their supports in the vicinity of the cockpit side panels and behind the instrument panel on both sides of the aircraft for contact or inadequate clearance between the wires and adjacent components including hydraulic and oxygen lines or structure. It is desirable to maintain a 6-inch clearance between oxygen tubing and electrical wires. If this is not possible, fasten all electrical wires securely so that they cannot come to within 2 inches of oxygen tubing. If 2 inches cannot be maintained, reroute oxygen line or wires as necessary to get the maximum possible clearance and then add additional support and/or "butterfly" clamp as necessary to prevent contact between oxygen lines and electrical wires bundles. Accomplishment of paragraph (a)(4) of AD 84-05-01 satisfies this requirement.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) The intervals between repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(f) An equivalent method of compliance with this AD may be used if approved by the Manager, Airplane Certification Branch, ASW-150, Southwest Region, FAA, Fort Worth Texas 76101; Telephone (817) 877-2070.

This AD supersedes AD 84-05-01, Amendment 39-4822.

This amendment becomes effective on July 5, 1984.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on June 20, 1984.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 84-17196 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 84-ACE-02]

Alteration of Transition Area—Hampton, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Hampton, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Hampton Municipal Airport, Hampton, Iowa, utilizing the Hampton Nondirectional Radio Beacon (NDB) as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage a new instrument approach procedure to the Hampton Municipal Airport, Hampton, Iowa, is being established utilizing the Hampton NDB as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of a transition area at Hampton, Iowa, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On page 14968 of the Federal Register dated April 16, 1984, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Hampton,

Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT August 30, 1984, by altering the following transition area:

Hampton, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hampton Municipal Airport (latitude 42°43'35" N; longitude 93°13'35" W); and within 3 miles each side of the Mason City, Iowa, VORTAC 166° radial extending from the 5-mile radius area to 6 miles southeast of the Hampton Municipal Airport; excluding that airspace which overlies the Mason City, Iowa, transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1349(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69)).

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

Issued in Kansas City, Missouri, on June 20, 1984.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 84-17198 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 84-AWP-10]

Alteration of a Transition Area and VOR Federal Airways, Elko, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action changes the descriptions of the Elko, NV, Transition Area and three VOR Federal Airways in the State of Nevada as necessitated by the imminent name change of a navigation aid. That name change was initiated in connection with a general policy to change the name of navigation aids bearing the same name as the airports which they serve.

DATES: Effective date—August 30, 1984.

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

ADDRESSES: Send comments on the rule in triplicate to:

Director, FAA, Western-Pacific Region,
Attention: Manager, Air Traffic
Division, Docket No. 84-AWP-10,
Federal Aviation Administration, P.O.
Box 92007, Worldway Postal Center,
Los Angeles, CA 90009

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

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

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule that was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to change the descriptions of the Elko, NV, Transition Area, V-293, V-32 and V-465 to reflect the new name, Bullion, NV, which heretofore, was referred to as Elko, NV. This action is part of a system-wide effort to rename each navigational aid that bears the same name as the airport which it serves, if the navigational aid is not located on the airport. Sections 71.123 and 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

Without this amendment, the descriptions of the Elko, NV, Transition Area, V-293, V-32 and V-465 will contain an erroneous reference to a navigational aid after August 30, 1984. The FAA, therefore, concludes that there is an immediate need for a regulation. Accordingly, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective on August 30, 1984, which is coincident with the navigational aid name change.

List of Subjects in 14 CFR Part 71

VOR Federal airways, Aviation safety.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.123 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as amended (49 FR 19293) is further amended, effective 0901 GMT, August 30, 1984, as follows:

§ 71.123 [Amended]

V-293 [Amended]

By deleting the word "Elko" and substituting the word "Bullion".

V-32 [Amended]

By deleting the word "Elko" and substituting the word "Bullion".

V-465 [Amended]

By deleting the word "Elko" and substituting the word "Bullion".

§ 71.181 [Amended]

Elko, NV [Amended]

By deleting the word "Elko VORTAC" wherever they appear and substituting the words "Bullion VORTAC".

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on June 21, 1984.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 84-17195 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 12 and 133

[T.D. 84-133]

Customs Regulations Amendments Concerning Recordation of Trademarks, Copyrights and Patents

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations relating to the number of copies of trademark or copyright certificates required for recordation with Customs. The document provides that the number of required copies is now reduced from 1,000 to 5. This document also amends the Customs Regulations relating to the number of copies of a patent registration required when a patent owner believes his patent is being infringed and he seeks Customs assistance in taking appropriate action. The document provides that the number of required patent registration copies is now reduced from 600 to 3. These changes, which were brought about because of a change in the procedure by which Customs reprints notices of recordation and advises Customs offices throughout the United States, will impose less of a burden on the public.

EFFECTIVE DATE: July 30, 1984.

FOR FURTHER INFORMATION CONTACT: Darrell D. Kast, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5765).

SUPPLEMENTARY INFORMATION:

Background

Part 133, Customs Regulations (19 CFR Part 133), sets forth the procedure to be followed for the recordation with Customs of trademarks and copyrights. Specifically, holders of trademarks registered by the Patent and Trademark Office of the Department of Commerce, and holders of copyrights registered by the Copyright Office of the Library of Congress, may record their trademark or copyright with Customs provided the application for recordation is accompanied by a fee of \$190 for each trademark or copyright they wish to record.

Sections 133.3 and 133.33, Customs Regulations (19 CFR 133.3, 133.33), set forth the requirements concerning the documents that must accompany applications for the recordation of trademarks and copyrights, respectively. Both sections presently provide that 1,000 copies of the certificate of registration must accompany the application to record. These copies are used to notify Customs personnel throughout the United States of the trademark or copyright recordation.

However, after review of this matter, it has been determined that only 5 copies are actually required. This change, brought about a change in the procedure by which Customs reprints notices of recordation and advises Customs offices in the field, will impose less of a burden on the public.

Section 12.39a, Customs Regulations (19 CFR 12.39a), sets forth the procedure to be followed when the owner of a patent registered with the Patent and Trademark Office believes that merchandise is being imported into the United States which infringes on the registered patent and requests Customs assistance in taking appropriate action. Specifically, section 12.39a(b) presently provides that the patent owner must make an application for a survey (which provides the patent owner with the names and addresses of importers of merchandise which appear to infringe the registered patent), provide a certified copy of the patent registration issued by the Patent and Trademark Office showing ownership to be in the name as claimed, submit 600 copies of the patent registration for distribution to the various ports of entry, and a check or money order to cover the fee

prescribed by § 24.12(a)(3), Customs Regulations (19 CFR 24.12(a)(3)).

Customs has reviewed this procedure and, in addition to the previously mentioned changes in §§ 133.3 and 133.33, has determined that the number of copies of the patent registration that must be submitted to Customs should be reduced as well. Accordingly, only 3 copies of the patent registration will now be required. Although this change will reduce the required number of documents a holder of a patent must submit to Customs, it will not impair the notification process. All Customs offices will still be notified of the patent registration so that appropriate action may be taken.

Executive Order 12291

It has been determined that these amendments are not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis is required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to these amendments because the rule will not have a significant economic impact on a substantial number of small entities.

Accordingly, the document contains a certification pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the amendments will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Inapplicability of Public Notice Requirement

Because this document reduces a recordation requirement and imposes no additional duties or responsibilities on the public, it has been determined that good cause exists for dispensing with notice and public procedure pursuant to 5 U.S.C. 553(b)(B).

List of Subjects

19 CFR Part 12

Patents.

19 CFR Part 133

Copyrights, Trademarks.

Amendments to the Regulations

Part 12, Customs Regulations (19 CFR Part 12), and Part 133, Customs Regulations (19 CFR Part 133), are amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

Section 12.39a(b) is revised to read as follows:

§ 12.39a Registered patent owners; import survey.

(b) The application may be made by letter addressed to the Commissioner of Customs, U.S. Customs Service, Washington, D.C. 20229. It shall state the name and address of the patent owner; and if available, a description of the merchandise believed to infringe the registered patent and the country of manufacture of the merchandise. A certified copy of the patent registration issued by the Patent and Trademark Office showing ownership to be in the name as claimed, 3 additional copies of the patent registration for Customs files, and a check or money order to cover the fee prescribed by section 24.12(a)(3) of this chapter for the survey selected shall be submitted with the application.

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 101, 76 Stat. 72 (5 U.S.C. 301, 19 U.S.C. 66, 1624, Gen. Hdnote, 11, Tariff Schedules of the United States))

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

Section 133.3(a)(2) is revised to read as follows:

§ 133.3 Documents and fee to accompany application.

(2) Five copies of this certificate, or of a Patent and Trademark Office facsimile. The copies may be reproduced privately and shall be on paper approximately 8" x 10½" in size. If the certificate consists of two or more pages, the copies may be reproduced on both sides of the paper.

Section 133.33(a)(2) is revised to read as follows:

§ 133.33 Documents and fee to accompany application.

(2) Five photographic or other likenesses reproduced on paper approximately 8" x 10½" in size of any copyrighted work. An application shall be excepted from this requirement if it covers a work such as a book, magazine, periodical, or similar copyrighted matter

readily identifiable by title and author or if it covers a sound recording. Five likenesses of a component part of a copyrighted work, together with the name or title, if any, by which the part depicted is identifiable, may accompany an application covering an entire copyrighted work.

(R.S. 251, as amended, sec. 109, 61 Stat. 664, sec. 624, 46 Stat. 759 (17 U.S.C. 109, 19 U.S.C. 66, 1624))

William von Raab,
Commissioner of Customs.

Approved: June 8, 1984.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

[FR Doc. 84-17238 Filed 6-27-84; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 80N-0314]

Food Labeling; Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content; OMB Approval and Effective Date

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

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Office of Management and Budget (OMB) has approved the information collection requirements in the final rule amending the food labeling regulations to specify that sodium content of foods be included in nutrition labeling information whenever nutrition labeling appears on food labels (49 FR 15510; April 18, 1984). FDA is also announcing the effective date of the requirements.

DATES: Effective July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun April 18, 1984.

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Center for Food Safety and Applied Nutrition (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3117.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 18, 1984 (49 FR 15510), FDA published a final rule amending the food labeling regulations

to: (1) Establish definitions for the terms "sodium free," "low sodium," "moderately low sodium," and "reduced sodium"; (2) provide for the proper use of these terms in the labeling of foods; (3) provide for the inclusion of potassium content information in the nutrition labeling format on a voluntary basis; (4) provide for the appropriate use of such terms as "without added salt," "unsalted," and "no salt added"; and (5) specify that sodium content of foods be included in nutrition labeling information whenever nutrition labeling appears on food labels. The agency also issued a policy statement on the appropriate use of comparative labeling statements, and is continuing to permit the declaration of sodium content in isolation.

OMB Approval

In the preamble to the final rule, FDA stated that the information collection requirements were submitted to OMB for approval under the Paperwork Reduction Act of 1980. FDA also stated that § 101.9(c)(8)(i) would not be effective until OMB approved these requirements and that it would publish a notice in the *Federal Register* regarding the effective date of these requirements once the approval has been obtained.

On June 12, 1984, OMB approved without change the information collection requirements in § 101.9(c)(8)(i), under OMB control number 0910-0198. The effective date of compliance for this section is July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun April 18, 1984.

List of Subjects in 21 CFR Part 101

Food labeling, Collection of information, Incorporation by reference, Misbranding, Nutrition labeling, Warning statements.

PART 101—FOOD LABELING

§ 101.9 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701, 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055-1056 as amended (21 U.S.C. 321, 343, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), compliance with the final rule, including any required labeling changes, may have begun April 18, 1984. Furthermore, all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1985, shall comply fully with the final rule. In

addition, Part 101 is amended in § 101.9 *Nutrition labeling of food* by adding to the end of the section the parenthetical statement "(Collection of information requirements were approved by the Office of Management and Budget under OMB control number 0910-0198)."

Dated: June 22, 1984.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-17192 Filed 6-27-84; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 9H5202/R686; PH-FRL 2615-6]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Fluridone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends an established food additive regulation to permit residues of the herbicide fluridone in potable water, in connection with an experimental use program requested by Elanco Products Co. Such residues may be present only as a result of application of fluridone to lakes and ponds under an experimental use program that expires June 1, 1985.

EFFECTIVE DATE: May 31, 1984.

ADDRESS: Written objections 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: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 237, CM #2, Registration Division (TS-767C), Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued § 193.219 *Fluridone* (21 CFR 193.219) published in the *Federal Register* of March 17, 1981 (46 FR 17015), establishing a regulation permitting residues of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl)phenyl]-4(1H)-pyridinone) at 0.01 part per million in potable water. The regulation is being extended to June 1, 1985, to permit the

continued use of fluridone in water while further data are collected on fluridone.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the herbicide may be safely used in accordance with the provisions of the experimental use permit (1471-EUP-67) that was concurrently extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. It is concluded that the herbicide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to FIFRA, as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 135(a) *et seq.*) and is 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. 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 requirement 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 food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels 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 24954).

List of Subjects in 21 CFR Part 193

Food additives, Pesticides and pests.

§ 193.219 [Amended]

Therefore, § 193.219 *Fluridone* is amended in paragraph (b) by changing the date "June 1, 1984" to "June 1, 1985". (Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

Dated: June 21, 1984.

Douglas D. Campt,
Acting Director, Office of Pesticide Programs.

[FR Doc. 84-17222 Filed 6-27-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 882**

[Docket No. 83N-0241]

Neurological Devices; Premarket Approval of the Implanted Cerebellar Stimulator

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule to require the filing of a premarket approval application or a notice of completion of a product development protocol for the implanted cerebellar stimulator, a medical device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: September 26, 1984.**FOR FURTHER INFORMATION CONTACT:**

Robert F. Munzner, Center for Devices and Radiological Health (formerly National Center for Devices and Radiological Health) (HFZ-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, (301) 427-7226.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 4, 1979 (44 FR 51770), FDA published a final rule (21 CFR 882.5820) classifying into class III (premarket approval) the implanted cerebellar stimulator. Section 882.5820 applies to any implanted cerebellar stimulator that was in commercial distribution before May 28, 1976, and to any device that FDA has found to be substantially equivalent to an implanted cerebellar stimulator that was in commercial distribution before May 28, 1976.

In the Federal Register of September 6, 1983 (48 FR 40273), FDA published a proposed rule to require that manufacturers or importers of the implanted cerebellar stimulator file under section 515(b) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(b)) a premarket approval application (PMA) or a notice of completion of a product development protocol (PDP) for the device. In the preamble to the September 6, 1983 proposal, FDA published the agency's proposed findings on the degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to meet the premarket approval requirements, and on the benefits to the public from use of the device. The

preamble to the proposal also provided an opportunity for interested persons to submit comments on the proposed rule and on the agency's proposed findings, and, under section 515(b)(2)(B) of the act, provided an opportunity for interested persons to request a change in the classification of the device based on new information relevant to its classification. The comment period closed on November 7, 1983. Any petition requesting a change in the classification of the implanted cerebellar stimulator was required to be submitted by September 21, 1983.

FDA did not receive any comments on the September 6, 1983 proposed rule or on FDA's proposed findings with regard to the risks or the benefits of the implanted cerebellar stimulator. Further, FDA did not receive any petitions requesting a change in the classification of the device.

I. Findings With Respect to Risks and Benefits

In accordance with section 515(b)(2)(A) of the act, FDA included in the preamble to the September 6, 1983 proposal (48 FR 40275) the agency's proposed findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the implanted cerebellar stimulator to have an approved PMA or declared completed PDP, and the benefits to the public from the use of the device. FDA's proposed findings, as stated in the September 6, 1983 proposal, are summarized below.

A. Degree of Risk

1. *Surgical procedures.* Implantation of cerebellar electrodes requires that the patient's skull be opened under anesthesia. As with any surgical procedure, complications, such as infection, hemorrhage, and hematoma, may occur.

2. *Injury to neural tissue.* The electrical current used for stimulation and the pressure that the electrodes of an implanted cerebellar stimulator exert may injure or destroy brain tissue.

3. *Cerebrospinal fluid leakage.* The cerebrospinal fluid that surrounds the brain may leak out where the electrode wires pass through the dura and the skull. If leakage occurs, reoperation is required to correct the condition.

4. *Tissue toxicity.* The surface of the implanted device, lead wires, or electrodes may contain material that is not biocompatible. The implanted cerebellar stimulator is made of materials that are generally recognized

to be biocompatible. There have not been any reports of patient injuries due to improper materials used in the device. It is possible, however, that contaminants may be introduced during manufacture of the device, or that some of the materials may have unknown constituents that may cause subtle changes that have not been recognized in the reported studies.

FDA concludes that these risks could be eliminated or reduced by requiring the implanted cerebellar stimulator to undergo premarket approval.

B. Benefits of the Device

The implanted cerebellar stimulator has been reported by some investigators to provide benefit in the treatment of intractable epilepsy and of some movement disorders. However, other studies have failed to show that the device is of significant benefit to patients suffering from these conditions.

FDA concludes that the effectiveness of the device for its intended use has not been established.

II. Final Rule

Under section 515(b)(3) of the act, FDA is adopting the proposed findings as published in the Federal Register of September 6, 1983 (48 FR 40275) and is issuing a final rule to require premarket approval of the generic type of device, the implanted cerebellar stimulator.

Under the final rule, a PMA or notice of completion of a PDP is required to be filed on or before September 26, 1984, for any implanted cerebellar stimulator that was in commercial distribution before May 28, 1976, or that has been found by FDA to be substantially equivalent to such a device on or before September 26, 1984. Also, an approved PMA or a declared completed PDP is required to be in effect for any such device on or before March 26, 1985. If FDA finds that continued availability of a device for which a PMA has been timely filed is necessary for the public health, FDA may, under section 515(d)(1)(B)(i) of the act, extend the 180-day period for taking action on the PMA. Any implanted cerebellar stimulator that was not in commercial distribution before May 28, 1976, or that has not on or before September 26, 1984 been found by FDA to be substantially equivalent to an implanted cerebellar stimulator that was in commercial distribution before May 28, 1976 is required to have an approved PMA or declared completed PDP in effect before entering the market.

If a PMA or a notice of completion of a PDP for an implanted cerebellar stimulator is not filed on or before September 26, 1984, that device will be considered adulterated under section 501(f)(1)(A)(ii)(I) of the act (21 U.S.C. 351(f)(1)(A)(ii)(I)), and commercial distribution of the device is required to cease. The device may, however, be distributed for investigational use, if the requirements of the investigational device exemption (IDE) regulations (21 CFR Part 812) are met. Under § 812.2(d) of the IDE regulations, FDA hereby stipulates that the exemptions from the IDE requirements in § 812.2(c) (1) and (2) will no longer apply, as of the effective date of this regulation, to clinical investigations of any implanted cerebellar stimulator (1) which is not legally in commercial distribution on or before that date, or (2) which is legally in commercial distribution on or before that date, but for which a PMA or notice of completion of a PDP is not filed by that date, or for which PMA approval is denied or withdrawn. Further, FPA concludes that investigational implanted cerebellar stimulators are significant risks devices as defined in § 812.3(m), and advises that the requirements of the IDE regulations regarding significant risk devices will apply as of the effective date of this rule to any clinical investigation of any implanted cerebellar stimulator to which the exemptions in § 812.2(c) do not apply. For any such device, therefore, an IDE submitted to FDA, under § 812.20, is required to be in effect under § 812.30 before an investigation is initiated or continued on or after September 26, 1984. FDA advises all persons who intend to sponsor any clinical investigation involving the implanted cerebellar stimulator to submit an IDE application to FDA not later than August 27, 1984 to avoid the interruption of ongoing investigations.

III. Environmental Impact

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Economic Impact

FDA has examined the economic consequences of this final rule in accordance with the criteria in section 1 (b) of Executive Order 12291 and found that the rule will not be a major rule as

specified in the Order. The agency believes that only one or two small firms will be affected by this rule. Therefore, the agency certifies under the Regulatory Flexibility Act (Pub. L. 96-354) that the rule will not have a significant economic impact on a substantial number of small entities. An assessment of the economic impact of this final rule has been placed on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 882

Medical devices, Neurological devices.

PART 882—NEUROLOGICAL DEVICES

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 513, 515, 520(g), 701(a), 52 Stat. 1049-1050 as amended, 1055, 90 Stat. 540-546, 552-559, 569-571 (21 U.S.C. 351, 360c, 360e, 360j(g), 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 882 is amended in § 882.5820 by adding new paragraph (c), to read as follows:

§ 882.5820 Implanted cerebellar stimulator.

(c) *Date premarket approval application (PMA) or notice of completion of a product development protocol (PDP) is required.* A PMA or notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before September 26, 1984. Any implanted cerebellar stimulator that was not in commercial distribution before May 28, 1976, or that has not on or before September 26, 1984 been found by FDA to be substantially equivalent to an implanted cerebellar stimulator that was in commercial distribution before May 28, 1976 shall have an approved PMA or declared completed PDP in effect before beginning commercial distribution.

Effective date. This regulation is effective September 26, 1984.

(Secs. 501, 513, 515, 520(g), 701(a), 52 Stat. 1049-1050 as amended, 1055, 90 Stat. 540-546, 552-559, 569-571 (21 U.S.C. 351, 360c, 360e, 360j(g), 371(a)))

Dated June 12, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84-17191 Filed 6-27-84; 9:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner
24 CFR Part 202

[Docket No. N-84-1404; FR-1972]

Property Improvement and Manufactured Home Programs—Approval of Lending Institutions—Fee Schedule

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

ACTION: General Notice—listing of Application and Annual fees to be paid to HUD by Title I lenders.

SUMMARY: This Notice establishes application and annual fees to be paid to HUD by Title I lenders. They are established under the regulations at 24 CFR Part 202 which were published in the Federal Register on June 19, 1984 (49 FR 24989).

EFFECTIVE DATE: September 10, 1984.

FOR FURTHER INFORMATION CONTACT: Andrew Zirneklis, Office of Program Compliance, Room 9154, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 426-3976. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On June 19, 1984 (49 FR 24989), the Department published a final rule for the approval of Title I lenders (24 CFR Part 202). Section 202.4(a)(9) of the rule requires a Title I lender, other than a Government Institution or National Mortgage Association described in 24 CFR 202.3(a), to pay an application and annual fee to HUD, including fees for each branch office authorized to originate and report Title I loans to HUD for insurance registration. The fees are a new requirement established by HUD to help defray the cost of approving and monitoring lenders participating in the Title I program.

This Notice sets forth the schedule of fees to be paid by Title I lenders and takes effect upon the effective date of the regulations at 24 CFR Part 202.

Application Fee

All Title I lenders, other than Government Institutions or National Mortgage Associations described in 24 CFR 202.3(a) or lenders that currently operate under a valid Contract of Insurance, that apply for HUD approval must submit a nonrefundable application fee of \$250 for their main office and \$50 for each branch office authorized to originate and report Title I loans to HUD for insurance registration.

These fees must be submitted, with the application, to the local HUD Field Office having jurisdiction over the lender's main office and branch office facility. Application forms may be obtained from HUD Field Offices. Applications submitted without the required fees or with an incorrect payment will be returned to the applicant.

Annual Fees

All Title I lenders, other than Government Institutions or National Mortgage Associations described in 24 CFR 202.3(a), must pay an annual fee of \$150 to HUD to retain their approved status and \$50 for each branch office authorized to originate and report Title I loans to HUD for insurance registration. Payment of the annual fees must be submitted with Form HUD-92001LV, Yearly Verification Report, which will be mailed to all lenders annually by the Department. Lenders must send the annual fee, along with the Yearly Verification Report, to: Department of Housing and Urban Development, P.O. Box 100170, Atlanta, Georgia 30384.

Failure to pay the main office annual fee of \$150 may result in termination of the lender's Contract of Insurance. Failure to pay the \$50 annual fee for a branch office will be treated as a voluntary request by the lender to terminate that branch office's authority to originate and report Title I loans for insurance registration.

Form HUD-92001LV is used by the Department to verify information for each lender and for mailing HUD publications. This form has been approved under OMB approval number 2502-0017. Lenders must correct any erroneous data contained on the form before returning it to HUD. Government Institutions and National Mortgage Associations as described in 24 CFR 202.3(a) must submit Form HUD-92001LV, Yearly Verification Report, even though they are exempt from paying the annual fee.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410.

The Catalog of Federal Domestic Assistance Program numbers are:
14.110, Manufactured (Mobile) Home Insurance-Financing Purchases of

Mobile Homes as Principal Residences of Borrowers;

14.142, Property Improvement Loan Insurance for Improving all Existing Structures and Building of New Nonresidential Structures; and

14.162, Mortgage Insurance-Combination and Mobile Home Lot Loans.

Authority: Sec. 7(d), Department of Housing and Urban Development, 4 U.S.C. 3535(d).

Date: June 20, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84-17296 Filed 6-27-84; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Part 882

[Docket No. R-84-988; FR-1521]

Section 8 Housing Assistance Payments Program—Existing Housing

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

ACTION: Final rule.

SUMMARY: This rule removes § 882.120 of the Section 8 Existing Housing Program regulations (and makes certain technical changes to 24 CFR Part 882) to eliminate the authority to use higher fair market rents (FMRs) for recently completed housing. This action contains the costs of the Program, and thereby allows the Department to assist as many families as possible under the Section 8 Existing Housing Program with the limited funding that is available.

EFFECTIVE DATE: September 17, 1984.

FOR FURTHER INFORMATION CONTACT:

Gerald J. Benoit, Existing Housing Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5353. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: HUD published a proposed rule on June 28, 1982 (47 FR 27869) to amend 24 CFR Part 882 to eliminate the use of higher fair market rents (FMRs) for recently completed housing. Twenty four comments were received. Nineteen were from or on behalf of public housing agencies (PHAs), three from management companies, one from a development company and one from a Member of Congress.

Twenty two commenters opposed the rule. One commenter agreed with the rule and one PHA stated that it had not taken advantage of the provisions being eliminated and remained neutral; however, this PHA asked for an

increase in its Section 8 Existing Housing FMRs.

In general, the comments expressed concern that elimination of § 882.120 would reduce the availability of acceptable housing for lower income families. The comments stated that families are having difficulty finding housing which meets Housing Quality Standards and which is within the Section 8 Existing Housing FMRs. They believe the proposal would make this problem worse.

A large increase in the construction of rental housing occurred during the early 1970's. This caused a high vacancy rate in recently completed rental housing in some local markets. The original purpose of § 882.120 was to take advantage of these vacancies in unique areas where the availability of existing housing that was more than six years old was relatively limited during this period. To do this, the Department amended the program regulations to permit PHAs to approve gross rents up to 75 percent of the Section 8 New Construction FMRs for units in projects qualifying as "recently completed housing." This enabled lower income families with Section 8 Existing Certificates to lease units in recently completed projects with extended vacancies at a greater cost to the Existing Housing Program. The construction of rental units has leveled off and there still remains a significant amount of rental units available in market areas within the FMRs for the Section 8 Existing Housing Program. For this reason, this higher rent is no longer needed.

Some comments stated that recently completed housing constituted a substantial portion of the rental units in rapidly growing areas, and argued that the rule change would create an extreme shortage of suitable rental housing in those areas in which there is little older rental housing in comparison to the number of units needed. This should not occur. To date, FMRs have been established from a survey of all standard quality rental units in the housing market area, including newly constructed units. We published a final rule (48 FR 43578) on September 23, 1983 which excludes from the local data base any unit completed in the two years before the Annual Housing Survey dates. We included all recently completed units that are more than 2 years old in the data base for the calculation of FMRs. Hence, any housing market which has a substantial number of recently completed units in its rental inventory would benefit by a higher FMR and thereby enable Section 8

families to rent units in the "middle of the market."

Several commenters asserted that the Section 8 Existing Housing FMRs tend to limit lower income families to housing located in low-income neighborhoods, whereas § 882.120 increased the access of participating families, especially large families, to housing located in other neighborhoods where large housing units are more available. HUD intends to maintain FMRs at a level that will ensure an adequate supply of housing and permit housing choice within the individual market areas. Even though we are eliminating the special FMRs for recently completed housing, the regulations at 24 CFR 882.106(a) (3) and (4) permit the use of higher rents up to 120% of the published FMRs for the higher cost portions of a market area. These higher rents for "exception areas" provide participants with access to housing throughout most of a given market area and assist larger families by expanding the areas in which they can look for housing.

Finally, we believe that elimination of higher FMRs for recently completed housing will not significantly reduce the availability of housing for program participants, but will contain the costs of the program so that the available funding can benefit a greater number of families.

After the effective date of this final rule, no additional units may be placed under lease or Housing Assistance Payments (HAP) Contract using the recently completed FMRs. For families occupying units originally leased using the recently completed FMRs, this regulatory change does not affect the rent during the term of the HAP Contract, so long as the family remains in occupancy. At the expiration of the HAP Contract term, if the same family continues in occupancy the PHA may determine the rent for the new term by applying the Section 8 Annual Adjustment Factor to the contract rent. This adjustment process is not subject to the FMR limitations, and it is therefore not affected by the amendment. However, if a unit formerly approved as recently completed is selected by a new Certificate holder, the unit is subject to the FMR limit, with the exception allowed under § 882.106 to increase that limit within regulatory controls.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries,

Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on the competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities because FMRs do not change the rent charged for housing which is not in the Section 8 Program. Landlords participating in the Program will continue to receive rent adjustments under the terms of their HAP contracts as long as the family remains in the same unit and participates in the Section 8 Existing Housing Program.

No environmental finding is required with respect to this amendment since the Section 8 Existing Housing Program is categorically excluded from the National Environmental Policy Act review procedures under 24 CFR 50.20(d).

This rule is listed as item H-36-82 in the Department's Semiannual Agenda of Regulations published at 48 FR 47452 on October 17, 1983, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.156 (Lower Income Housing Assistance Program).

List of Subjects in 24 CFR Part 882

Grant programs: Housing and community development, Housing, Mobile homes, Rent subsidies.

Accordingly, the Department amends 24 CFR Part 882 as follows:

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

- In § 882.102, by removing the definition of "Recently Completed Housing".
- By revising § 882.117(c)(4) to read as follows:

§ 882.117 Responsibilities of the owner.

(c) * * *

(4) *Contract rents.* Notwithstanding the provisions of § 882.106(a)(2), a PHA may not approve, without prior HUD approval, rents which exceed the appropriate Fair Market Rent for a unit

for which it provides the management functions under this section.

3. By removing and reserving § 882.120.

4. By revising § 882.204(a)(1) to read as follows:

§ 882.204 Submission of applications.

(a) * * *

(1) Indicate the types of Existing Housing (e.g., elevator, non-elevator) likely to be utilized in the proposed project.

Authority: Sec. 8, United States Housing Act of 1937, 42 U.S.C. 1437f, Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 20, 1984.

Maurice L. Barksdale,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84-17297 Filed 6-27-84; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Part 3282

[Docket No. R-84-1077; FR-1699]

Manufactured Home Procedural and Enforcement Regulations

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

ACTION: Final rule.

SUMMARY: This rule allows the Secretary to establish the manufactured home monitoring inspection fee by placing a notice of the new fee in the *Federal Register*. Any fee change will be made in accordance with the Department's methodology expressly set out in this final rule. Accordingly, the fee amount will no longer be subject to prior public notice and comment procedures.

The Department is authorized by law to inspect newly manufactured homes, to ensure that each home is properly and safely designed before it can be purchased by a prospective homeowner. The law also authorizes the Department to impose fees necessary to offset the costs of conducting its inspection program. Therefore, the actual fee established should result in revenues that are adequate to offset the total costs of properly conducting the inspection program.

However, expenses related to conducting an inspection program vary over time. In order to keep the level of revenues collected commensurate with the level of program costs, the Department needs to be able

expeditiously to react to cost variations. This final rule enables the Secretary to make timely adjustments to the fee, thereby ensuring that the public interest in the conduct of meaningful inspections is continuously served.

EFFECTIVE DATE: September 17, 1984.

FOR FURTHER INFORMATION CONTACT: James C. McCollom, Director, Manufactured Housing Standards Division, Room 3234, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-6920. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 20, 1983, the Department published in the Federal Register a proposed revision of 24 CFR 3282.454 (48 FR 16910). That proposed revision would enable the Secretary to revise the manufactured home monitoring inspection fee by notice in the Federal Register, rather than by the more time-consuming rulemaking procedure. The fee must be adjusted from time to time in order to maintain a reasonable working surplus of funds.

Section 614(a) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act), 42 U.S.C. 5413(a), authorizes the Secretary to conduct such inspections and investigations as may be necessary to promulgate or enforce Federal manufactured home construction standards. Section 620 of the Act, 42 U.S.C. 5419, provides that "the Secretary may establish and impose on manufactured home manufacturers, distributors and dealers such reasonable fees as may be necessary to offset the expenses incurred by him" in carrying out the inspections required under the Act.

Under this authority, the Secretary has established a fee—currently \$19 per manufactured home. However, the Department recognizes that increases and decreases in the number of homes produced and changes in the extent of the work supported by the fee warrant making adjustments to the fee from time to time.

Discussion of Comments

The Department received three submissions in response to its invitation for comments on the proposed rule. Concerns raised by persons commenting fall into the four basic categories discussed below. In response to public comments, the Department has revised the proposed rule. Notably, the final rule sets out the method that is employed by the Department for arriving at new fee determinations.

1. Elimination of Notice and Comment Procedures

(a) *Legal basis:* Objection to the rule has been raised on the grounds that it is contrary to HUD's general practice of allowing prior notice and comment on the establishment of inspection fees, and deprives manufacturers of property without due process of law.

The Department's determination to establish the inspection fee by notice does not contravene manufacturers' rights of due process. This is because the legal right to participate in rule making proceedings derives, if at all, from statute, and not the Constitution itself. Here, HUD's fee-setting enabling legislation, at 42 U.S.C. 5419, does not require that inspection fees be established through rulemaking. Thus, as relevant to this action, the salient issue is whether or not notice and comment procedures are mandated by the provisions of the Administrative Procedure Act (APA), 5 U.S.C. 553.

In general, the APA requires a Federal agency that engages in rulemaking to afford interested persons the opportunity to participate in the formulation of its policies through notice and comment procedures. However, the APA also contains exceptions to this general rule. These delineated exceptions recognize instances in which the need for agency flexibility in serving the public interest warrants a departure from the general rule.

Both the APA, at 5 U.S.C. 553(b)(B), and the Department's corresponding regulation governing its policy and procedures in the area of rulemaking (24 CFR 10.1 ("policy")), provide that unless required by statute, notice and public procedure will be omitted if it is determined in a particular case or class of cases, "that notice and public procedure are *impracticable, unnecessary or contrary to the public interest*" (emphasis added). Where such a finding is made, the reasons for the determination are to be stated in the rulemaking document. The Department has determined that these provisions constitute the legal basis for establishing and modifying inspection fees in the future without resort to the rulemaking process.

In this case, resort to rulemaking procedures would prove "impracticable, unnecessary or contrary to the public interest." The Department's decision to establish fees by notice is fully warranted, because only by acting promptly can the Department continuously maintain the income generated by the fees and the (changing) costs of its inspection program at approximately equal levels. The

maintenance of an appropriately funded, cost-based program is essential to ensuring that manufactured homes are properly and safely designed. The past practice of adjusting inspection fees through notice-and-comment rulemaking was adopted before the Department had any experience with the program, and before it had specific knowledge of the costs of inspection activity and how they are subject to change. Over ensuing years, the Department's need for the capacity to adjust the inspection fee promptly has become clear.

Resort to notice and comment is impracticable because it would frustrate the Department's ability to carry out its legislative mandate in this area, particularly during periods of rapidly changing economic conditions. Moreover, there is no necessity for a full-fledged proceeding, given that any new fee established will constitute a technical revision to an existing fee, based upon the insertion of new and readily documented cost figures into the Department's methodology for establishing the fee. This methodology correlates the various components of the Department's inspection program that give rise to costs with the number of housing units inspected, for the purpose of arriving at the appropriate fee per unit. This methodology, which is set out in the final rule at 24 CFR 3282.454, is discussed at length below. Because fee adjustments will be of a technical nature, and the public interest will be served best by the exercise of prompt agency action in this area, the waiver of notice and comment procedures is warranted.

(b) *Methodology for establishment of the fee:* In its notice of proposed rulemaking, the Department stated that the amount of the inspection fee has been revised on two occasions since 1976, and that further revisions will be necessitated by changes in the costs and revenues related to the inspection program. Past resort to the rulemaking process has proved cumbersome. Continuation of this procedure would frustrate the Department's future ability to react in a timely manner to changing costs and revenue. Since the basic components of the program are readily identifiable, making reasonable adjustments to the fee amount is a technical process performed in accordance with an established methodology.

The inspection fee charged for each housing unit is determined by dividing the total number of homes (anticipated) to be manufactured into the total (anticipated) costs of the inspection

program, as reflected in the following equation:

$$\frac{\text{total program expenses}}{\text{total housing units}} = \text{fee/unit}$$

To determine the total cost of conducting the inspection program (the numerator in the above equation), the Department must first calculate the costs of each basic component of the program. The components of the program, and a brief description of each activity, are as follows:

(1) Funding for State administrative agency activities: In carrying out inspections, the Department is specifically authorized by statute to contract with State and local governments and private inspection organizations. See 42 U.S.C. 5413(b)(2). A substantial portion of the Department's total expenditures is directed to State Administrative Agencies (SAAs) to fund SAA activities. Among other things, SAA personnel routinely conduct inspections in the field (e.g., at home sites and dealerships), and also investigate consumer complaints;

(2) Funding for inspection activities performed by HUD personnel: Funds are applied to support the activities of HUD employees that are engaged in a number of inspection-related activities including enforcement operations, the handling of consumer complaints, and making on-site inspections.

(3) Funding for the monitoring inspection contractor: HUD contracts with the National Conference of States on Building Codes and Standards (NCSBCS), a private organization, to assist in the inspection program. Among other things, NCSBCS is responsible for monitoring the activities of In-Plant Inspection Agencies (IPIAs) and Design Approval Primary Inspection Agencies (DAPIAs). IPIAs and DAPIAs are selected by home manufacturers, and are responsible for ensuring that homes manufactured comply with Federal safety and design standards. In order to monitor these activities, NCSBCS personnel routinely make on-site inspections at plant sites (*i.e.*, actually observing the manufacture of homes);

(4) Expenses for miscellaneous activities: The Department also incurs expenses to accommodate such other activities as *ad hoc* inspections. Other such activities may include the provision of training for personnel involved specifically in inspection work, and HUD-sponsored conferences attended by SAA, IPIA, and DAPIA representatives. The latter activity is fundamental to a meaningful inspection

program, since conferences provide a national forum for the exchange of valuable information on inspection activities; and

(5) Reserve funds: In addition to the expenditure of funds to support the above-described activities, the Department needs to continuously maintain reserve funds adequate to insure that funds are readily available for these inspection-related activities. In determining the costs necessary to conduct the inspection program, the Department shall consider the amount of its reserve funds on hand. To the extent that the Department determines that the amount of reserve funds are excessive, the fee amount will be reduced accordingly.

Once the total (estimated) cost of the program is calculated for the foreseeable future, the Department must determine the estimated number of homes that will be manufactured over that period (the denominator in the equation above). Estimates are based on the most recently available annual production figures for the manufactured homes industry. The fee per unit can then be calculated (*i.e.*, the quotient in the above-described equation).

The fee, once established, shall remain in effect until such time as the Secretary determines that, because of rising or decreasing program costs or revenues, a fee change is warranted. Any change shall reflect specific changes in program costs or in the number of homes manufactured, in accordance with the Department's methodology for fixing the inspection fee. The effect of a change will be to maintain the level of funds that are necessary to conduct the Department's program.

II. Availability of Underlying Data Supporting the Fee Structure

A comment from manufactured home producers requested that HUD make available for public inspection the data and other information on which any monitoring inspection fee is determined.

All such data and information are available to the public under the Freedom of Information Act with the exception of documents which may be withheld from public disclosure under that Act.

III. Amount and Use of the Fee

Comments have expressed concern over (a) the current amount of the fee (*i.e.*, that \$19 per unit may be excessive, generating surplus funds), and (b) whether certain components of the inspection program, supported by the fees, are in accordance with the

Department's enabling legislation at 42 U.S.C. 5419.

The reasonableness of the current fee was addressed when it was established. The fact that excesses can accumulate as a result of production fluctuations is an argument in favor of a more timely method of adjusting the fee, not against it. Moreover, this final rule provides the most practical method of avoiding the accrual of excessive surpluses. It will permit more timely coordination of fee collections with actual cost experience under the inspection program.

The Department is publishing a notice of the fee amount simultaneously with the notice of this final rule. The notice states that, for the time being, the current fee of \$19 per manufactured home shall continue in effect. However, the Department is examining the current fee in accordance with its fee establishment methodology discussed in Part I(b) above, and will revise the fee if such action is found to be warranted.

The Department's actual use of inspection fee funds has been called into question by commenters, who have identified specific aspects of the program as (allegedly) being unauthorized by 42 U.S.C. 5419 and inappropriate. In particular, these commenters question expenditures that support: (1) The Department's research, testing, development and training programs, and (2) NCSBCS' coordination activities of IPIAs, quarterly meetings, training seminars, advisory committees and newsletters.

The basic components of the Department's inspection program, supported by the fees collected, are described in the "methodology section" of this preamble. Activities that do not fall within these categories—including research, testing, development and training activities contemplated under 42 U.S.C. 5407—will not be funded from the inspection fee fund, to the extent that such activities are not inspection related.

Specifically with respect to NCSBCS, inspection fee funds are used expressly to support activities, other than newsletter issuances, necessary to carry out its functions as a monitoring contractor. Because the NCSBCS activities at issue here are necessary to the proper performance of its contractual duty and are specifically authorized by statute, the use of inspection fee funds to support these activities is entirely appropriate.

IV. Economic Impact on Small Entities

The proposed rule, a commenter suggested, would have a significant economic impact on a substantial

number of small entities if the fee is increased; therefore, it should include a regulatory flexibility analysis.

The economic impact of the rule will be extremely small. The fee is now \$19 per unit, or less than 1/10 of 1% of the total cost of the average manufactured home. The Department is publishing a notice, simultaneously with this final rule, that indicates that, for the time being, the inspection fee shall remain at \$19 for manufactured home. Any justifiable change in the fee would have very little effect on the price of the home or its attractiveness to customers. In any event, the rule itself does not change any fee. It merely changes the procedure by which a fee can be adjusted. The Department has thus concluded that a regulatory flexibility analysis is not required.

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

Under 24 CFR 50.20(1), a Finding of No Significant Impact with respect to the environment in unnecessary because the rule is purely administrative in nature, is clearly unrelated to environmental concerns and has no potential for significantly affecting the human environment.

This rule was listed in the Department's Semi-Annual Agenda of Regulations published on April 19, 1984 (49 FR 15938) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.804.

List of Subjects in 24 CFR Part 3282

Administrative practice and procedures, Consumer protection, Intergovernmental relations, Investigations, Manufactured homes, Mobile homes.

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Accordingly, the Department amends 24 CFR Part 3282 by revising § 3282.454 to read as follows:

§ 3282.454 Monitoring inspection fee.

(a) The Secretary may establish by notice in the *Federal Register* a monitoring inspection fee which is to be paid by manufacturers for each manufactured home manufactured in nonapproved and conditionally approved states as described in § 3282.210. In determining the amount of the inspection fee to be paid for each manufactured home, the Secretary shall divide the estimated number of manufactured homes (based on recent industry production figures) into the anticipated aggregate cost of conducting the inspection program. In determining the aggregate cost of conducting the inspection program, the Secretary shall calculate the sum necessary to support: (1) Inspection-related activities of State Administrative Agencies; (2) inspection-related activities performed by the Department of Housing and Urban Development; (3) inspection-related activities performed by monitoring inspection contractor(s); (4) miscellaneous activities involving the performance of inspection-related activities by the Department, including on-site inspections on an ad-hoc basis; and (5) maintenance of adequate reserve funds.

(b) The monitoring inspection fee to be established by approved states under § 3282.307(a) shall be in the same amount as the fee established under (a) above.

(c) The Secretary may at any time revise the amount of the fees established under this section by placing a notice of the amount of the new fee in the *Federal Register*.

Authority: Sec. 620, National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419); Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: June 15, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84-17160 Filed 6-27-84; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Part 3282

[Docket No. N-84-1402; FR-1699]

Manufactured Home Procedural and Enforcement Regulations

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

ACTION: Rule-related notice.

SUMMARY: This Notice states that the monitoring inspection fee for each manufactured housing unit shall

continue to be \$19.00 until the Department decides to adjust the fee. Any adjustments will be published in the *Federal Register*.

EFFECTIVE DATE: September 17, 1984.

FOR FURTHER INFORMATION CONTACT: James C. McCollom, Director, Manufactured Housing Standards Division, Room 3234, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6920. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has adopted a final rule published elsewhere in today's issue of the *Federal Register* amending 24 CFR 3282.454. This rule revision enables the Secretary to set the manufactured home monitoring inspection fee by notice in the *Federal Register* rather than by rulemaking. The fee now in effect is \$19.00 per manufactured housing unit. However, once the rule change becomes effective, there will be no reference to the actual fee amount in 24 CFR 3282.454. By this notice the Department is announcing that the inspection fee amount shall remain at \$19.00 until such future time as the Department publishes an adjustment in the *Federal Register*.

Authority: National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419); Section 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: June 15, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84-17159 Filed 6-27-84; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulation at 28 CFR 2.60 on superior program achievement to include an interpretative instruction presently contained in the Commission's Rules and Procedures Manual. The regulation governs the reduction of a prisoner's presumptive release date for superior program achievement at proceedings subsequent to the initial parole hearing. The amendment defines the date which the Commission utilizes to determine the

amount of the reduction and the base from which the reward is deducted for a prisoner whose initial parole decision was to "continue him to expiration."

DATE: June 28, 1984.

ADDRESS: Rockne Chickinell, Attorney, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492-5960.

FOR FURTHER INFORMATION CONTACT: Rockne Chickinell, Telephone (301) 492-5960.

SUPPLEMENTARY INFORMATION: In its regulation at 28 CFR 2.60, the Parole Commission seeks to govern the advancement of a presumptive release date for "superior program achievement" at interim parole hearings and record reviews conducted pursuant to 28 CFR 2.14 after the initial parole determination. The regulation provides a schedule of permissible reductions (ranging from 1 month to 13 months) which are tied to the total number of months required by the prisoner's original presumptive release date set at his initial parole determination.

The Commission pointed out in its publication of the final rule at § 2.60 that for those prisoners originally "continued to expiration" the prisoner's statutory release date with automatic good time deductions under 18 U.S.C. 4161 would be used for purposes of determining the amount of the permissible reduction and as the base from which the reduction would be subtracted. See 44 FR 55002-05 (Sept. 24, 1979). The final rule publication specifically stated that:

If this date [statutory release date with deductions under 4161] has been reduced due to the earning of extra good time [granted pursuant to 18 U.S.C. 4162], and such reduction is already equal to or exceeding the allowable reduction for superior program achievement, the Commission will not give an additional reduction for superior program achievement.

(44 FR at 55004)

This interpretative instruction was carried over into the Commission's Rules and Procedures Manual. The Commission's intent behind this rule was to ensure that such a prisoner (who originally was denied any parole date) would not receive a double benefit for the same positive behavior, *viz.*, a reduction in the statutory release date due to discretionary, extra good time credits under 18 U.S.C. 4162 from the Bureau of Prisons and a further reduction from the Parole Commission under 28 CFR 2.60. By subtracting the permissible reduction for superior program achievement from the statutory release date obtained only with the good time credits granted under 18 U.S.C.

4161, the Commission guaranteed that the prisoner would not receive the double benefit.

The Bureau of Prisons provides the Parole Commission with a calculation of the two-thirds point of a prisoner's sentence in order that the Parole Commission may comply with 18 U.S.C. 4206(d), which requires that a prisoner serving a sentence of five years or more be paroled at that point unless the agency finds that the offender has not substantially observed the rules of the institution or presents a risk of future criminal behavior if paroled. In its 1982 Rules and Procedures Manual, the Commission instructed its staff and members that the two-thirds point should be used in determining the amount of a reduction under 28 CFR 2.60 and the date from which the permissible reduction should be subtracted if the prisoner was serving a sentence of five years or more. The two-thirds point never exceeds (and is often less than) the prisoner's statutory release date with automatic good time deductions under 18 U.S.C. 4161.

The Commission has decided to amend 28 CFR 2.60 to include in the regulation the instruction concerning the grant of a superior program achievement reduction in "continue to expiration" cases. The Commission hopes that publication of this instruction in the regulation will clarify any misapprehension as to the agency's implementation of the regulation in such cases. The Commission is not seeking public comment and is publishing this amendment as a final rule to be effective immediately, since the modification is an interpretative rule that simply clarifies the Commission's use of § 2.60.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), the Commission is amending 28 CFR Part 2, by adding the following as paragraph (f):

PART 2—[AMENDED]

§ 2.60 Superior program achievement.

(f) For cases originally continued to expiration, the statutory good time date (calculated under 18 U.S.C. 4161) will be used for computing the maximum reduction permissible and as the base from which the reduction is to be subtracted for prisoners serving sentences of less than five years. For prisoners serving sentences of five years

or more, the two-thirds date (calculated pursuant to 18 U.S.C. 4206(d)) will be used for these purposes. If the prisoner's presumptive release date has been further reduced by extra good time (18 U.S.C. 4162) and such reduction equals or exceeds the reduction applicable for superior program achievement, the Commission will not give an additional reduction for superior program achievement.

I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: May 15, 1984.

Benjamin F. Baer,
Chairman, U.S. Parole Commission.

[FR Doc. 84-17226 Filed 6-27-84; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 942

Modification of Public Comment Period and Time for Public Notice of Public Hearing on Proposed Federal Program for the State of Tennessee

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

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is adding a new rule at 30 CFR Part 942 to govern the promulgation of a proposed Federal program for the State of Tennessee. New § 942.736 establishes public notice and comment requirements specifically for the purpose of the Director's promulgation of Federal program for the State of Tennessee. The new rule is intended to provide OSM adequate time to consider and respond to public comments on the Federal program proposed for implementation in the State of Tennessee since there is a limited time within which to promulgate the Federal program.

EFFECTIVE DATE: June 28, 1984.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant to the Assistant Director, Program Operations and Inspection, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: 202-343-4225.

SUPPLEMENTARY INFORMATION: New § 942.736(a) provides that, prior to

promulgation of a Federal program for the State of Tennessee, the Director shall publish notice in the **Federal Register** at least 30 days before the date of the public hearing required under 30 CFR 736.13. This provision also requires the published notice to conform to the requirements in subsections (1) through (7) of 30 CFR 736.12(a). Under new § 942.736(b), prior to promulgation of a Federal program for the State of Tennessee, the Director must provide an opportunity for persons to submit, in writing, data and comments on the proposed promulgation of the Federal program for Tennessee within 40 days after publication of the notice in the **Federal Register**. New § 942.736(c) states that the public hearing required under 30 CFR 736.13 shall be held between 30 and 40 days after publication of the **Federal Register** notice. Under new § 942.736(d), the provisions of this rule supersede any contradictory requirements in 30 CFR 736.12 and 736.13.

Rules governing the procedures for promulgation or revision of a Federal program for a State were initially published as rules proposed for public comment on September 18, 1978 (43 FR 41814) and adopted as final rules on March 13, 1979 (44 FR 15330). Amendments to the rules at 30 CFR Part 736 were published as rules proposed for public comment on December 14, 1981 (46 FR 59482) and adopted as final rules on June 17, 1982 (47 FR 26356).

Section 736.12(a) provides that, prior to the promulgation or revision of a Federal program for a State, the Director shall publish notice of the public hearing to be held on the Federal program proposed for a State in the **Federal Register** at least 60 days before the date of the hearing required under § 736.13(c). Section 736.13(b) specifies a public comment period of 60 days. Thus, the standard scheme has the public hearing taking place on the last day of the public comment period. New § 942.736(a) provides, instead, that notice of such a public hearing on the proposed Federal program for the State of Tennessee shall be published in the **Federal Register** at least 30 days before the date of the hearing.

Under the new rule adopted by OSM, the requirement for prior published notice of the public hearing to be held on the proposed Federal program for the State of Tennessee is changed from 60 to 30 days. This change is intended to ensure that adequate time is provided to the Director to consider and respond to public comments on the Federal program which OSM proposes to

implement within the State of Tennessee. The new rule also changes the minimum public comment period to allow for a period of at least 40 days.

OSM will propose a Federal program for the State of Tennessee because the State's legislature has repealed the regulatory program statute and regulations effective October 1, 1984. See 49 FR 15496 (April 18, 1984) for the announcement of the Federal enforcement of the state regulatory program. If 60 days' notice were required before the public hearing, there would not be adequate time to consider the comments after the close of the comment period and promulgate a program by October 1, 1984.

Affording the Director flexibility to set a comment period of at least 40 days gives OSM needed time in promulgating a Federal program for Tennessee under exigent circumstances—conditions that were never contemplated at the time the initial rules for Federal program promulgation were drafted. Under the revised rule, the public hearing will be set for a time during the comment period so that it will allow OSM to begin considering the testimony presented at the public hearing as soon as possible, but still afford sufficient notice to the public. It would also allow persons to supplement any testimony presented at the hearing by submitting written comments and would allow persons in attendance at the hearing to submit comments based on testimony presented at the hearing.

The sources of authority for §§ 736.12(a) and 736.13(b) are Sections 102(i) and 504(c) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.* Section 102(i) includes an assurance that appropriate procedures are provided for public participation, revision, and enforcement of Federal programs as one of the purposes of SMCRA. 30 U.S.C. 1202(i). More importantly, under section 504(c) of SMCRA, the Secretary of the Interior must give adequate public notice prior to promulgation and implementation of any proposed Federal program. 30 U.S.C. 1254(c). Neither the Act nor its legislative history defines "adequate public notice" in terms of a fixed time period. Instead, these authorities commit the task of defining "adequate public notice" to the Secretary's administrative discretion. Accordingly, OSM has determined that a public comment period of at least 40 days and 30 days' notice of the Director's intent to hold a public hearing on the Federal program proposed for the

State of Tennessee are consistent with the mandates expressed in sections 102(i) and 504(c) of SMCRA. Under the new rule, there will be a public comment period of at least 40 days, and a period of 30 days from the date of publication of the **Federal Register** notice is the minimum amount of public notice that will be provided for the public hearing to be held on the proposed Federal program for the State of Tennessee. Forty days is sufficient to allow interested persons to submit written comments and thirty days is sufficient time to allow persons to request to testify and to prepare and present their testimony at the public hearing.

The Administrative Procedure Act (APA), 5 U.S.C. 553, as amended, imposes on Federal agencies the duty to provide the public with general notice of their proposed rulemakings and opportunity to comment thereon. 5 U.S.C. 553 (b), (c). A Federal agency may dispense with the APA's public notice requirement for good cause upon determining that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B).

In the present case, there is good cause justifying OSM's decision to adopt new § 942.736, absent prior public notice and opportunity for public comment. The Tennessee State Legislature, by statute signed by the Governor, has rescinded the State's regulatory program for surface and underground coal mining operations conducted within its borders effective October 1, 1984. Given these developments, OSM's compliance with the APA's procedural requirements would prolong the process of promulgating a Federal program for the State of Tennessee beyond the October 1, 1984 deadline. Consequently, unless OSM implements a Federal program in Tennessee by October 1, 1984, OSM would have to enforce the program for Tennessee that now exists at 30 CFR Part 942. See 47 FR 34753, August 10, 1982, as amended at 48 FR 8059, February 28, 1983; 48 FR 23636, May 26, 1983. This situation would cause considerable confusion inasmuch as there would not be an orderly transition from the State's program to the Federal program. Because OSM's compliance with the APA's procedural requirements ultimately would frustrate OSM's efforts to promote an orderly transition from the State's program to the Federal program, good cause exists to forego prior public notice and opportunity for comment on OSM's adoption of new § 942.736.

Furthermore, in accordance with the exemption provided in section 553(b)(B) of the APA, OSM has determined that prior public notice on the promulgation of new § 942.736 is unnecessary, impracticable, and contrary to public interest. In the case of promulgation of a Tennessee Federal program, prior notice of the amendment of § 942.736 would unduly delay the promulgation and implementation of a Federal program for Tennessee which has to be adopted by October 1, 1984, to facilitate an orderly transition from the State's program to the Federal program. Prior notice would also make it impracticable for OSM to conduct a public hearing on the Federal program to be proposed for Tennessee and to adequately consider the comments within the short period before repeal of the state program legislation and regulations take effect. Such delays would be contrary to the public interest which Congress sought to advance and protect by enacting sections 504(a)(3) and 504(c) of SMCRA, 30 U.S.C. §§ 1254(a)(3), (c). OSM has also found prior notice to be unnecessary in the present case since no substantive rights are affected by OSM's adopting of new § 942.736.

The discussion in the preceding paragraph constitutes good cause under 5 U.S.C. 553(d) for the rule (which partially relieves a restriction on the Director) to be effective less than 30 days from the date of publication in the Federal Register.

For the reasons discussed above, OSM is adopting 30 CFR 942.736, effective immediately.

Additional Determinations

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

2. *Executive Order No. 12291:* The Department of the Interior (DOI) has examined this rulemaking according to the criteria provided in Executive Order 12291 (February 17, 1981). DOI has determined that this is not a major rule and hence does not require a regulatory impact analysis since it amends established procedures which the Director of OSM must follow in promulgating, implementing, or revising Federal regulatory programs for States. This rule does not significantly change any substantive requirements.

3. *Regulatory Flexibility Act:* In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, DOI has determined that this rule will not have a significant economic impact on a substantial number of small entities. The

rule establishes procedural requirements for the promulgation, implementation, and revision of Federal regulatory programs for States and these requirements only have an impact on State regulatory authorities and OSM.

4. *Paperwork Reduction Act:* This rule does not contain information collection requirements for which approval by the Office of Management and Budget (OMB) is mandatory under the Paperwork Reduction Act, 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 942

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

Accordingly, Part 942 of Title 30 of the Code of Federal Regulations is amended as set forth herein.

(Sec. 102(i), 201(c)(2) and 504(c) of Pub. L. 95-87 (30 U.S.C. 1202(i) 1211(c)(2) and 1254(c))

Dated: June 21, 1984.

J. Steven Griles,

Acting Assistant Secretary for Land and Minerals Management.

PART 942—[AMENDED]

1. A new 30 CFR 942.736 is added to read as follows:

§ 942.736 Modification of public comment period and time for public notice of public hearing on proposed Federal program for the State of Tennessee.

Prior to promulgation of a Federal program for the State of Tennessee:

(a) The Director shall publish notice in the Federal Register at least 30 days before the date of the hearing required under § 736.13 of this chapter. The notice shall conform to the requirements in paragraphs (a) (1) through (7) of § 736.12 of this chapter.

(b) The Director shall provide an opportunity for persons to submit, in writing, data and comments on the proposed promulgation of the Federal program for Tennessee within 40 days after publication of the notice in the Federal Register.

(c) The public hearing required under § 736.13 of this chapter shall be held between 30 and 40 days after publication of the Federal Register notice.

(d) These provisions shall supersede any contradictory requirements in §§ 736.12 and 736.13 of this chapter.

[FR Doc. 84-17298 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 3

[CGD 84-037]

Boston/Providence Marine Inspection Zone and Captain of the Port Zone Boundary Realignment

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule establishes new boundary lines separating the Boston Marine Inspection Zone and Captain of the Port Zone, from the Providence Marine Inspection Zone and Captain of the Port Zone. This change is being made to simplify administrative and operational activities. The Coast Guard offices having jurisdiction in these areas will remain located in Boston, Massachusetts and Providence, Rhode Island.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Paul J. Howard, Port Safety Branch, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114, (617) 223-6915.

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the Federal Register under 5 U.S.C. 553(d)(3).

Executive Order 12291 does not apply to matters of agency organization (section 1(a)(3)). These amendments are editorial in nature and are considered to be nonsignificant under DOT Order 2100.5 of May 22, 1980. No additional requirements will be imposed on the public as a result of this rulemaking. This rule simply redefines existing areas of Coast Guard responsibility and jurisdiction. The only changes which may affect the public, are the specific Coast Guard offices having jurisdiction over a particular area, and the location from which the Coast Guard will enforce that jurisdiction.

Drafting Information

The principal persons involved in drafting this amendment are: Lieutenant Commander Paul J. Howard, Project Officer, Port Safety Branch, First Coast Guard District and Lieutenant Susan M. Krupanski, Project Attorney, Legal Staff, First Coast Guard District.

Economic Assessment and Certification

An economic evaluation of the final rule has not been conducted since its impact is expected to be minimal. As existing requirements and responsibilities will not be altered, the overall cost to the public will not change. This rulemaking imposes no burdens on the public as it is solely organizational in nature. It will not affect the economy to any measurable degree, result in any increase in price for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or result in any adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Likewise, it is hereby certified that this final rule will not have any economic impact on a substantial number of small entities as described in the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601 et seq.). This certification is made in accordance with section 605 of Title 5 of the United States Code.

The Coast Guard has determined that this rule does not constitute a major Federal action significantly affecting the quality of human environment, and therefore no environmental assessment or environmental impact statement was prepared.

List of Subjects in 33 CFR Part 3

Marine safety, Organization and functions (government agencies).

PART 3—[AMENDED]

In consideration of the foregoing, Subchapter A, Chapter I, Title 33 of the Code of Federal Regulations is amended as follows:

1. By revising § 3.05-10(b) to read as follows:

§ 3.05-10 Boston Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Boston Marine Inspection Zone and Captain of the Port Zone starts at 42°55' N. latitude, 70°47.7' W. longitude; thence due West to the New York-Vermont Boundary; thence South along the New York State line to the southern boundary of Massachusetts, except the waters of Congamond Lakes, to 42°04.1' N. latitude, 71°06' W. longitude; thence Southeast to Manomet Pt. at 41°55' N. latitude, 70°33' W. longitude; thence Northeast to 42°08' N. latitude, 70°11' W. longitude; thence due East to the Search and Rescue boundary between the

United States and Canada at 67° W. longitude.

(5 U.S.C. 552; 49 U.S.C. 108; 49 CFR 1.45 and 1.46)

2. By revising § 3.05-20(b) to read as follows:

§ 3.05-20 Providence Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Providence Marine Inspection Zone and Captain of the Port Zone starts at 41°18.2' N. latitude, 71°51.6' W. longitude, and proceeds North along the Rhode Island State line, including the waters of Beach Pond, to the Massachusetts State line; thence East to 42°04.1' N. latitude, 71°06' W. longitude; thence Southeast to Manomet Pt. at 41°55' N. latitude, 70°33' W. longitude; thence Northeast to 42°08' N. latitude, 70°11' W. longitude; thence due East to the Search and Rescue boundary between the United States and Canada at 67° W. longitude.

(5 U.S.C. 552; 49 U.S.C. 108; 49 CFR 1.45 and 1.46)

Dated: June 18, 1984.

R. L. Brown,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 84-17251 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 4

[CGD 84-050]

OMB Control Numbers

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Paperwork Reduction Act of 1980 (Pub. L. 96-511; 44 U.S.C. 3501 et seq.), requires, generally, that all regulations which contain recordkeeping or reporting requirements must be approved by the Director, Office of Management and Budget (OMB). Once approved, these regulations are assigned an OMB Control Number. This rule establishes Part 4 of Title 33, Code of Federal Regulations to display OMB Control Numbers which have been assigned to Coast Guard regulations contained therein.

EFFECTIVE DATE: June 28, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Novak, (202) 426-1477.

SUPPLEMENTARY INFORMATION: This final rule was not preceded by a notice of proposed rulemaking and is being made effective in less than 30 days. This rule merely displays existing OMB Control Numbers pertaining to specific Coast Guard Regulations for the public's

information. Therefore the Coast Guard has determined that notice and public procedure are unnecessary in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(B)). Also, delaying the effective date would preclude publication in the revised Code of Federal Regulations. Therefore, it is in the public's best interest and good cause exists to make this rule effective in less than thirty days in accordance with 5 U.S.C. 553(d)(3).

Drafting Information

The drafters of this regulation are Mr. Bruce Novak, Project Manager, Deputy Executive Secretary, Marine Safety Council and LT Dave Shippert, Project Attorney, Office of the Chief Counsel.

Discussion

The purpose of the Paperwork Reduction Act of 1980 (Pub. L. 96-511; 44 U.S.C. 3501 et seq.) is to reduce the burden placed upon the public by recordkeeping and reporting requirements imposed by federal agencies. To achieve this goal, the Act requires that agencies must, generally, obtain approval from the Director, Office of Management and Budget (OMB), before promulgating regulations which impose recordkeeping or reporting requirements. When a recordkeeping or reporting requirement is approved as necessary, an OMB Control Number is assigned to the regulation.

The Coast Guard has imposed certain recordkeeping and reporting requirements through many of the regulations contained in Title 33 of the Code of Federal Regulations (CFR). While, the Coast Guard has continually strived to minimize the burden imposed upon the public, the existing paperwork requirements have been approved as necessary to fulfill the Coast Guard's roles and missions.

The regulations containing essential recordkeeping and reporting requirements have been assigned OMB Control Numbers. The Coast Guard has compiled a list of OMB Control Numbers which pertain to regulations within Title 33 of the CFR. This rule publishes the list in table format. The display of OMB Control Numbers in the CFR will provide assurance to the public that the paperwork requirements have been carefully reviewed and determined to be necessary. Moreover, publication in the CFR is an efficient method of displaying OMB Control Numbers as required by the Paperwork Reduction Act (44 U.S.C. 3512).

This table of 33 CFR cites and relevant OMB Control Numbers is not an exclusive list of all recordkeeping and reporting requirements within the Title. The regulatory process is an ongoing one and changes are frequent in response to current conditions.

Therefore, recently assigned OMB Control Numbers may not be included in the table. The Coast Guard also utilizes other methods to display applicable OMB Control Numbers to affected parties and many may have not been included in this compilation. As a service to the public and in an effort to achieve the goals of the Paperwork Reduction Act, the Coast Guard will revise and update the table when additional OMB Control Numbers are assigned and compiled. The OMB Control Number may also be displayed within the regulation to which it pertains.

Regulatory Analysis

This regulation is considered to be non-major under Executive Order 12291 and non-significant under the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal has been found to be so minimal that further evaluation is unnecessary. This rule merely displays existing OMB Control Numbers for the public's information and imposes no new requirements. Since the impact of this rule is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 4

Reporting and recordkeeping requirements.

Accordingly, Title 33, Code of Federal Regulations is revised to add Part 4, to read as follows:

PART 4—OMB CONTROL NUMBERS ASSIGNED PURSUANT TO THE PAPERWORK REDUCTION ACT

Sec.
4.01 Purpose.
4.02 Display.

Authority: Pub. L. 96—511 (44 U.S.C. 3501 et seq.), 49 CFR 1.46(b).

§ 4.01 Purpose.

This part collects and displays the control numbers assigned to information collection requirements of the Coast Guard by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, (Pub. L. 96—511, 44 U.S.C. 3501 et seq.). The Coast Guard intends that this subpart comply with the requirements of section 3507(f) of the

Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget ("OMB") for each agency information collection requirement.

§ 4.02 Display.

33 CFR part or section where identified and described	Current OMB control number
Part 66	2115 to 0002.
Part 67	2115 to 0038.
Part 89	2115 to 0074.
Part 100	2115 to 0017.
Part 125	2115 to 0039.
Section 126.15(c)	2115 to 0054.
Section 126.15(o)(7) (VII)	2115 to 0507.
Section 126.17	2115 to 0013.
Section 135.215	2115 to 0041.
Part 141	2115 to 0143.
Part 146	2115 to 0003.
Part 151	2115 to 0025 and 0526.
Section 153.303	2115 to 0137.
Section 154.107	2115 to 0097.
Section 154.110	2115 to 0077.
Section 154.300	2115 to 0083 and 0078.
Section 154.300 through 154.325	2115 to 0078.
Section 154.740	2115 to 0077.
Part 157	2115 to 0518 and 0503.
Section 157.23	2115 to 0520.
Section 157.37	2115 to 0520.
Section 157.49	2115 to 0520.
Section 173.23	2115 to 0009.
Section 173.25	2115 to 0009.
Section 173.27	2115 to 0009.
Section 173.71	2115 to 0009.
Section 173.55	2115 to 0010.
Section 179.13	2115 to 0035.
Section 179.15	2115 to 0035.
Section 181.21 through 181.31	2115 to 0055.

Dated: June 22, 1984.

A. F. Bridgman, Jr.,
Chief, Regulations and Administrative Law
Division.

[FR Doc. 84-17239 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD3 84-17]

Regatta; Night in Venice, Great Egg Harbor Bay, Ocean City, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special Local Regulations are being adopted for the Night in Venice Regatta. This Marine Parade will be held on July 14, 1984 on Great Egg Harbor Bay in Ocean City, NJ. This regulation is needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: This regulation becomes effective on July 14, 1984 at 4:30 p.m. and terminates the same day at 10:00 p.m.

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

SUPPLEMENTARY INFORMATION: On May 3, 1984 the Coast Guard published a notice of proposed rule making in the Federal Register for this regulation (49

FR 18872). Interested persons were requested to submit comments and no comments were received. The regulation is being made effective in less than 30 days from the date of publication. There was not sufficient time remaining in advance of the event to provide for a delayed effective date.

Drafting Information

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

Discussion of Regulations

The annual Night in Venice Boat Parade is a Marine Parade to be held on Great Egg Harbor Bay on July 14, 1984. It is sponsored by the City of Ocean City, New Jersey and is well known to the boaters and residents of this area. Approximately 800 spectator craft are expected to watch the 125 participating vessels in the boat parade. The sponsor is providing in excess of 6 patrol vessels in conjunction with Coast Guard and local resources to patrol this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the marine parade area and will establish special anchorages for what is expected to be a large spectator fleet. The parade route has not been altered from that of previous years and there have not been any problems in the past with the Special Local Regulations issued by the Coast Guard; therefore, this regulation remains virtually unchanged from the one issued last year. The Coast Guard has made certain changes to the navigational aids system in the regulated area. Accordingly, the descriptions of the regulated area and the spectator areas in final rule have been corrected to reflect these changes.

Discussion of Comments

No comments were received.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11031; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the event. This should easily compensate area merchants for the slight inconvenience of having navigation restricted.

Since the impact of these regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary section 100.35-301 to read as follows:

§ 100.35-301 Night in Venice, Great Egg Harbor Bay, City of Ocean City, NJ

(a) *Regulated Area.* The southwest side of Ship Channel from Buoy C, seaward to Broad Thorofare Buoy No. 17 (Black can) to Ocean City Longport Bridge, thence south to Great Egg Waterway Daybeacon 28.

(b) *Effective Period.* This regulation will be effective from 4:30 p.m. to 10:30 p.m. on July 14, 1984. In case of postponement, the raindate will be July 15, 1984 and this regulation will be in effect for the same time period.

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

(2) No person or vessel may enter or remain in the regulated area unless participating in the event, or authorized to be there by the sponsor or Coast Guard patrol personnel.

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

(i) Northwestward of a line marked by a patrol vessel in position 39 degrees 17 minutes 45 seconds N latitude; 074 degrees 33 minutes 45 seconds W longitude to the 9th Street Route 52 Bridge in Ocean City, New Jersey, including Great Egg Waterway Red Buoy No. 2, but shall not extend northwestward of the Great Egg Waterway Point Buoy.

(ii) Westward of a line of buoys between Great Egg Waterway Buoys 10 and 14.

(iii) within the area around the shoals and islands in Beach Thorofare between Great Egg Waterway buoys 15 and 21. This area shall at no point be closer than 150 yards from the line of

bulkheads and lagoon entrances in Ocean City, New Jersey.

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

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

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

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

(iii) \$250 for any other person.

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

(33 U.S.C. 1233; 49 U.S.C. 108; 49 CFR 1.46(b) and 33 CFR 100.35)

Dated: June 19, 1984.

W. E. Caldwell,

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

[FR Doc. 84-17241 Filed 6-27-84; 9:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD3 84-20]

Regatta; Connecticut River Raft Race

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special Local Regulations are being adopted for the Connecticut River Raft Race. This event will be held on July 28, 1984 on the Connecticut River between Hurd and Haddam Meadows State Parks. This regulation is needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATES: This regulation becomes effective on July 28, 1984 at 9:45 a.m. and terminates the same day at 2:00 p.m.

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

SUPPLEMENTARY INFORMATION: On May 10, 1984 the Coast Guard published a notice of proposed rule making in the *Federal Register* for this regulation (49 FR 19847). Interested persons were requested to submit comments and one comment was received.

Drafting Information

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

Discussion of Regulations

The annual Connecticut River Raft Race is a raft race event to be held on the Connecticut River between Hurd and Haddam Meadows State Parks on July 28, 1984. It is sponsored by the Connecticut River Raft Race Inc., of Norwich CT. It is the Tenth Annual Connecticut River Raft Race and is well known to the boaters and residents of this area. Nearly 100 self-propelled homemade rafts will cruise down a 2.5 mile section of the Connecticut River. Vessels provided by the State of Connecticut State Police, and the Department of Environmental Protection will work in conjunction with approximately 12 vessels provided by the sponsor to patrol this event. Specific requirements have been imposed upon the sponsor to ensure that all participants wear personal flotation devices throughout the event for their own safety. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement prior to and during this event in this section of the river. A Coast Guard patrol vessel will be located at strategic locations on the river both above and below the regulated area to stop vessel traffic.

Discussion of Comments

One comment was received from the sponsor advising the Coast Guard of a change in the date for this event from July 29 to July 28, 1984.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The event will draw a large number of spectator craft into the area for the duration of the event. This should easily compensate area merchants for the slight inconvenience of having navigation restricted. Since the impact of these regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended by adding a temporary § 100.35-303 to read as follows:

§ 100.35-303 Connecticut River Raft Race.

(a) *Regulated Area:* That section of the Connecticut River between Salmon River (Marker No. 48) and Middle Haddam (Marker No. 72).

(b) *Effective Period:* This regulation will be effective from 9:45 a.m. to 2:00 p.m. on July 28, 1984.

(c) *Special Local Regulations.* (1) The regulated area shall be closed to all vessel traffic in excess of 20 meters (65.6 feet) in length during the effective period. No person or vessel may move within the regulated area unless participating in this event or authorized by the sponsor or patrol personnel.

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

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

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

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

(iii) \$250 for any other person.

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

(33 U.S.C. 1233; 49 U.S.C. 108; 49 CFR 1.46(b) and 33 CFR 100.35)

Dated: June 19, 1984.

W. E. Caldwell,

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

[FR Doc. 84-17243 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD2 84-09]

**Special Local Regulations: 1984
Indiana Governor's Cup**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for Miles 556.5 to 558.3, on the Ohio River.

Marine events will be held between the dates July 4 thru 8, 1984, at Madison, Indiana. These special local regulations are needed to provide for the safety of life and property on navigable waters during the events.

EFFECTIVE DATES: These regulations will be effective on the following dates: July 4, 5, 6, 7, and 8, 1984.

These regulations will also be effective on July 9, should inclement weather cause the races scheduled on July 8, to be cancelled.

All Times Listed Are Local Time

FOR FURTHER INFORMATION CONTACT: CDR. R. B. Bower, Chief, Boating Technical Branch Second Coast Guard District, 1430 Olive St., St. Louis, MO 63103, (314) 425-5971.

SUPPLEMENTARY INFORMATION: These special local regulations are issued pursuant to 33 U.S.C. 1233 and 33 CFR Part 100.35, for the purpose of promoting the safety of life and property on the Ohio River between miles 556.5 and 558.3 during the "1984 Indiana Governor's Cup", July 4 thru 8, 1984.

These events will consist of a Fireworks Display on July 4, between the hours of 8:30 p.m. and 9:30 p.m. (local time) and Powerboat Races on July 5, 6, and 7, between the hours of 9:00 a.m. and 7:00 p.m. (local time) each day, and on July 8, between the hours of 9:00 a.m. and 5:15 p.m. (local time), which could pose hazards to navigation in the area. Should inclement weather cancel the races on July 8, they will be rescheduled on July 9, between the hours of 9:00 a.m. and 5:15 p.m. (local time). Therefore, these special local regulations are deemed necessary for the promotion of safety of life and property in the area during this event. A notice of proposed rule making has not been published for these regulations and they are being made effective less than 30 days from the date of publication.

Following normal rule making procedures would have been impracticable. The revised applications and schedules to hold the event were not received until April 24, 1984, and there was insufficient time remaining to publish proposed rules in advance of the event, or to provide for a delayed effective date.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the duration of the regulated area is short. In addition, these regulations are considered to be

nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities. This rule is necessary to insure the protection of life and property in the area during the event.

Drafting Information

The drafters of this regulation are BMCW. L. Giessman, USCGR, Project Officer, Boating Technical Branch, and LT. R. E. Kilroy USCG, Project Attorney, Second Coast Guard District Legal Office.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]**Final Regulations**

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary section 100.35-0209 to read as follows:

§ 100.35-0209 Ohio River, miles 556.5 through 558.3.

(a) *Regulated Area:* The area between Mile 556.5 and 558.3 Ohio River is designated the regatta area, and may be closed to commercial navigation or mooring during the following dates and (local) times:

July 4, 8:30 p.m. to 9:30 p.m.

July 5, 6, and 7, 9:00 a.m. to 7:00 p.m.

July 8, 9:00 a.m. to 5:15 p.m.

July 9, 9:00 a.m. to 5:15 p.m., should inclement weather prevent the races scheduled on July 8, to be held.

The above times represent a guideline for possible intermittent river closures not to exceed Four (4) hours in duration each. Mariners will be afforded enough time between such closure periods to transit the area in a timely manner.

(b) *Special Local Regulations:* Vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. The rules contained in the above two sentences shall not apply to participants in the

event or vessels of the patrol, while they are operating in the performance of their assigned duties.

(1) The Patrol Commander may be reached on Channel 16 (156.8MHZ) when required, by the call sign "Coast Guard Patrol Commander".

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

(d) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(e) The Patrol Commander may restrict vessel operation within the marine event area to vessels having particular operating characteristics.

(f) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

(g) This section 100.35-0209 will be effective on the following dates and times:

July 4, 8:30 p.m. to 9:30 p.m.

July 5, 6, and 7, 9:00 a.m. to 7:00 p.m.

July 8, 9:00 a.m. to 5:15 p.m.

July 9, 9:00 a.m. to 5:15 p.m., should inclement weather prevent the races scheduled on July 8, to be held.

All Time Listed Are Local Time

Authority: 33 U.S.C. 1233; 49 U.S.C. 108; 49 CFR 1.46(b); 33 CFR 100.35.

Dated: June 14, 1984.

S. B. Vaughn,

Rear Admiral, U.S. Coast Guard, Commander, Second Coast Guard District.

[FR Doc. 84-17255 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 110

[CGD7 83-15]

Anchorage Grounds/Special Anchorage Area, Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the anchorage regulations for Charleston, SC, harbor. This rule is needed to provide an orderly scheme for vessels to anchor in Charleston harbor and it will make more efficient use of space within the harbor. The existing regulation provides anchorage grounds for general use by small craft and commercial vessels. The new rule

provides designated anchorages for commercial vessels and establishes a special anchorage area for small craft. This will satisfy the demand for commercial anchorage space and will consolidate minimal usage by small craft into a special anchorage area.

EFFECTIVE DATE: July 30, 1984.

FOR FURTHER INFORMATION CONTACT: Lieutenant (J.G.) Harry Craig at (305) 350-5651.

SUPPLEMENTARY INFORMATION: On January 5, 1984 the Coast Guard published a notice of proposed rule making in the *Federal Register* for this regulation (49 FR 649). Interested persons were requested to submit comments and four comments were received.

Drafting Information

The drafters of this notice are Lieutenant (J.G.) Harry Craig, project officer, Seventh Coast Guard District Port Safety Branch, and Lieutenant Commander Kenneth E. Gray, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Comments

The comments received supported revision of the harbor anchorage areas. The Charleston Branch Pilots' Association and South Carolina State Ports Authority commented that increased vessel size had rendered the present regulations for Charleston harbor obsolete and that the proposed rule would be particularly helpful from a safety viewpoint, for the need to officially recognize the actual practices, and to have the commercial anchorage defined. The National Ocean Survey commented on several minor position corrections in the proposed rule. It was noted that vessels in the Special Anchorage in § 110.173(a)(3)(ii) of the existing regulation and in Commercial Anchorage D in § 110.173(a)(4) of the proposed rule could possibly swing within the 400 foot exclusion area along the eastern waterfront of Charleston. The final rule was changed so that this provision applies only to vessels not using the designated commercial anchorages, therefore not applying to vessels using Commercial Anchorage D. The question was received whether the anchorage in § 110.173(a)(i) was to be retained since it is not mentioned in the proposed rule. The Coast Guard is deleting this anchorage as a part of the revision of § 110.173. The anchorage areas for small craft should be sufficient based on past usage. No request for a public hearing was received and one was not held.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal because it permits local practices to continue, but with existing conditions defined within the federal regulations. Little usage of anchorage grounds by small vessels exists, but there is a large demand for commercial anchorage space. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 110

Anchorage.

PART 110—[AMENDED]

Final Regulation

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations is amended, by revising § 110.173 and adding § 110.72d to read as follows:

§ 110.173 Port of Charleston, SC.

(a) *The anchorage grounds.* (1) *Commercial Anchorage A.* This anchorage is located adjacent to the western edge of Folly Island Channel and southwest of Rebellion Reach and is bounded by the following coordinates:

32°45'34" N., 79°52'12" W.; to
32°46'17" N., 79°53'21" W.; to
32°45'51" N., 79°53'23" W.; to
32°45'34" N., 79°52'55" W.; thence back
to
32°45'34" N., 79°52'12" W.

(2) *Commercial Anchorage B.* This anchorage is located adjacent to the south side of South Channel and bounded by the following coordinates:

32°45'28" N., 79°53'40" W.; to
32°45'28" N., 79°54'46" W.; to
32°45'19" N., 79°54'46" W.; to
32°45'12" N., 79°54'06" W.; to
32°45'16" N., 79°53'40" W.; thence back
to
32°45'28" N., 79°53'40" W.

(3) *Commercial Anchorage C.* This anchorage is located 1800 yards, 118° true from St. Michaels Church Spire and has a diameter of 500 yards. Vessels

using this anchorage must anchor in the center.

(4) *Commercial Anchorage D.* This anchorage is located 51°30' true, 1375 yards from St. Michaels Church Spire and has a diameter of 1400 feet. The use of this anchorage is limited to loaded vessels for a period of not more than 24 hours.

(b) *The regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the main ship channels as defined by broken lines marking their boundaries on NOAA Chart 11524. Vessels must be anchored in such a way as not to interfere with the free navigation of channels in the port, including Cooper, Ashley, Wando Rivers, and Town Creek, nor to obstruct the approach to any pier or entrance to any slip, nor to impede the movement of any vessel or craft.

(2) Vessels using the anchorages opposite the eastern waterfront of Charleston shall place their anchors as near as possible in the center of the anchorage. Vessels not using a designated commercial anchorage shall not place their anchors within the main ship channels, nor shall be so anchored as to swing within 400 feet of any wharf or pier on the eastern waterfront of Charleston. Vessels may be so anchored as to swing into the main ship channels only if they are so placed with reference to the customary winds, tides, and currents of the harbor, as to swing only during slack water, and that during this period there shall remain in the waters adjacent to the channel an area of sufficient depth as to permit the safe passage of loaded vessels.

(3) No vessel may anchor within the designated anchorages for more than 72 hours without the prior approval of the Captain of the Port.

(4) No vessel may anchor unless it maintains a bridge watch, guards and answers Channel 16 FM, and maintains an accurate position plot.

(5) If any anchored vessel is so close to another that a collision is probable, each vessel must communicate with the other vessel and the Captain of the Port on Channel 16 FM and shall act to eliminate the close proximity situation.

(6) No vessel may anchor unless it maintains the capability to get underway within 4 hours.

(7) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without the prior approval of the Captain of the Port.

(8) Dragging of anchors in or across main ship channels and cable areas is prohibited.

(9) Vessels which, through force of great emergency, are anchored contrary

to the foregoing regulations in this section shall be shifted to new berths in accordance with such regulations at the earliest opportunity.

(10) A vessel, upon notification from the Captain of the Port to shift its position in anchorage grounds must get underway at once or signal for a tug, and must change position as directed with reasonable promptness.

(11) No vessel may conduct lightering operations in an anchorage without permission from the Captain of the Port.

(12) When the use of an anchorage is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(13) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, etc.

§ 110.72d Ashley River, Charleston, SC.

The waters lying within an area bounded by the outer end of Municipal Marina bulkhead latitude 32°46'35" N., longitude 79°57'05" W.; thence 129° true to latitude 32°46'30" N., longitude 79°56'57" W.; thence 090° true to the shoreline; thence northwest along the shoreline to the shore end of City Marina bulkhead.

Authority: 33 U.S.C. 471, 2030, 2035, 2071; 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.46(c)(1); and 33 CFR 1.05-1(g).

Dated: June 11, 1984.

A. D. Breed,

Acting Commander, Seventh Coast Guard District.

[FR Doc. 84-17244 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD7-84-20]

Drawbridge Operation Regulations: Steinhatchee River, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule—revocation.

SUMMARY: This amendment revokes the regulations for the State Road 358 drawbridge, mile 2.2, because the bridge has been replaced by a fixed bridge. Notice and public procedure have been omitted from this action due to removal of the bridge concerned.

EFFECTIVE DATE: June 28, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Bridge Administration Specialist, telephone (305) 350-4108.

SUPPLEMENTARY INFORMATION: This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a swingbridge that no longer exists. Consequently, this action is considered to be non-major under Executive Order 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). Since there is no economic impact, a full regulatory evaluation is unnecessary. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). However, this action will not have a significant effect on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revoking Section 117.331.

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: June 11, 1984.

A. D. Breed,

Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.

[FR Doc. 84-17252 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Memphis, TN, Regulation 64-02]

Safety Zone Regulations; Arkansas River Mi. 287 to Mi. 293

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Arkansas River between Mi. 287 to Mi. 293. The zone is needed due to ribbon bridge exercise being conducted by the Missouri Army National Guard. Certain safety precautions are required to reduce and mitigate the possibility of human injury or death, as well as the possibilities of damage to, or loss of property, and to protect the Marine environment. Entry into this zone is prohibited unless authorized by the Captain of the Port Memphis, TN.

EFFECTIVE DATES: This regulation becomes effective from 1200 to 1800, 10 July 1984, and 0500 to 1300 on 12, 14, 16 July 1984.

FOR FURTHER INFORMATION CONTACT: Commander R. J. O'Pezio, Captain of the Port, Memphis, TN, Marine Safety

Office, 100 N. Main Street, Suite 1134, Memphis, TN 38103. Telephone: (901) 521-3941.

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

Drafting Information

The drafters of this regulation is ENS Scott J. Ferguson, project officer for the captain of the port.

Discussion of Regulation

The events requiring this regulation involve ribbon bridge construction and river crossing operations during a field training exercise being conducted by the Missouri Army National Guard. Subject regulation is felt necessary to enforce the protection of life and property in the area during the event.

List of Subjects in 33 CFR Part 165

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

PART 165—[AMENDED]

Regulation

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

§ 165.T0211 Safety zone: Arkansas River Mi. 287 to Mi. 293.

(a) *Location.* The following area is a safety zone: All the waters of the Arkansas River from Mi. 287 to Mi. 293.

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

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

Dated: May 4, 1984.

R. J. O'Pezio,

Captain of the Port, Memphis, TN.

[FR Doc. 84-17246 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Memphis, TN Regulation 84-03]

Safety Zone Regulations; Mississippi River Mi. 734-Mi. 738

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Mississippi River between Mi 734 to Mi 738. The zone is needed due to a fireworks display in conjunction with the WMC, Memphis Arts Council Star Spangled Celebration. Certain safety precautions are required to reduce and mitigate the possibility of human injury or death, as well as the possibilities of damage to, or loss of property, and to protect the Marine environment. Entry into this zone is prohibited unless authorized by the Captain of the Port, Memphis, TN.

EFFECTIVE DATES: This regulation becomes effective on 2030 (CDT) on 4 July 1984

It terminates on 2200 (CDT) 4 July 1984.

FOR FURTHER INFORMATION CONTACT: Commander R. J. O'Pezio, Captain of the Port, Memphis, TN, Marine Safety Office, 100 No. Main St., Suite 1134, Memphis, TN 38103. Telephone: (901) 521-3941.

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

Drafting Information

The drafters of this regulation are ENS Scott J. Ferguson, project officer for the captain of the port.

Discussion of Regulation

The events requiring this regulation is a fireworks display on the Memphis waterfront. This event is in conjunction with the WMC, Memphis Arts Council Star Spangled Celebration. Subject regulations is felt necessary to enforce the protection of life and property in the area during the event.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation

(water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Regulation

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

§ 165.T 0210 Safety Zone: Mississippi River Mi. 734 to Mi. 738.

(a) *Location.* The following area is a safety zone: All the waters of the Mississippi River from Mi 734 to Mi 738 including that between the Hernando Desoto Bridge and the Memphis-Arkansas Highway Bridge.

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

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

Dated: May 4, 1984.

R. J. O'Pezio,

Captain of the Port.

[FR Doc. 84-17245 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD3-84-39]

Safety Zone Regulations; New York, East River

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in New York Harbor, East River. This zone is needed to protect vessels from possible safety hazards associated with the fireworks display in the East River. Entry into this zone is prohibited unless authorized by the Captain of the Port, New York.

EFFECTIVE DATES: This regulation is effective at 8:00 p.m. e.d.s.t. July 4, 1984 and terminates at 10:00 p.m. e.d.s.t. July 4, 1984.

FOR FURTHER INFORMATION CONTACT: Captain of the Port, New York, (212)-668-7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after *Federal Register* publication.

Publishing and NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to respond to any potential hazards.

Drafting Information

The drafters of this regulation are Lieutenant G. W. Chappell, Project Officer for the Captain of the Port, and Ms. M. A. Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from the possible dangers and hazards to navigation associated with a fireworks display in the East River.

List of Subjects in 33 CFR Part 165

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

PART 165—[AMENDED]

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165.T303 to read as follows:

§ 165.T303 Safety Zone: New York, New York Harbor, East River.

(a) *Location.* The following area is a Safety Zone: the waters of the East River, New York, New York from the northern end of the Consolidated Edison Pier at 15th Street Manhattan, thence easterly on a course of 087 degrees true to the northern end of the Noble Street Pier Brooklyn, thence north along the Brooklyn shoreline including Newtown Creek to the Kosciuszko Bridge, thence along the Queens shoreline to the Hell Gate Light at Halletts Point (LL# 1275), thence on a westerly course of 261 degrees true to the Fireboat Station Pier at Horns Hook Manhattan, thence south along the Manhattan shoreline to the starting point.

(b) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, New York.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: June 13, 1984.

J. L. McDonald,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 84-17257 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD3-84-38]

Safety Zone Regulations; New York, New Jersey, Upper New York Harbor

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in Upper New York Harbor. This zone is needed to protect vessels from the possible dangers and hazards associated with a fireworks display. Entry into this zone is prohibited unless authorized by the Captain of the Port, New York.

EFFECTIVE DATES: This regulation is effective from 8:00 p.m. e.d.s.t. to 10:00 p.m. e.d.s.t. 04 July 1984.

FOR FURTHER INFORMATION CONTACT: Captain of the Port, New York, (212)-668-7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to respond to any potential hazards.

Drafting Information

The drafters of this regulation are Lieutenant G.W. Chappell, Project Officer for the Captain of the Port, and Ms. M.A. Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from the possible dangers and hazards to navigation associated with a fireworks display at Liberty State Park, Jersey City, New Jersey.

List of Subjects in 33 CFR Part 165

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

PART 165—[AMENDED]

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165.T302 to read as follows:

§ 165.T302 Safety Zone: New York, New Jersey, Upper New York Harbor.

(a) *Location.* The following area is a Safety Zone: starting from the southeastern corner of Pier seven at Liberty State Park, Jersey City, New Jersey thence southeast on a course of

106 degrees true to position 40°41'12" N 74°02'18" W thence northeast on a course of 027 degrees true to position 40°42'08" N 74°01'42" W thence northwest on a course of 312 degrees true to the tower on the Morris Canal Pier thence south along the Jersey City shoreline to the starting point at Pier seven.

(b) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, New York.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: June 13, 1984.

J. L. McDonald,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 84-17256 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 211

Appeal of Decisions Concerning the National Forest System

AGENCY: Forest Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: This rule makes technical changes in the present Forest Service administrative appeal procedures to make explicit that procedural decisions cannot be appealed to an administrative level higher than that available for the initial substantive decision from which the procedural matter arises. In short, a procedural decision may be appealed only if another level is available.

The change is necessary to avoid further misinterpretation of the present rule, that procedural decisions are initial decisions. This rule also corrects a typographic error and a minor omission made when the rule was published in the Federal Register.

EFFECTIVE DATE: July 30, 1984.

ADDRESS: Comments or suggestions on this final rule may be addressed to Chief (1570), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Phillip Haug, Staff Assistant, National Forest System, (703) 235-1797.

SUPPLEMENTARY INFORMATION:

Background

Paragraph (o)(4) of 36 CFR 211.18 states that "Levels of appeal for decisions on procedural matters cannot

exceed the levels available for the original decision." This has been misinterpreted as meaning that procedural matters are initial decisions and therefore subject to two levels of review. As explained in the Analysis of Public Comment which accompanied the final rule (48 FR 13424), the intent was to provide, if available, no more than one level of appeal for decisions on requests for stay or dismissal. This intent was first described in a Discussion Paper made available for public comment on September 23, 1981, at 46 FR 46969. Subsequently, the intent to limit appeals of procedural decisions was addressed in the Supplementary Information section preceding the proposed rule (47 FR 36564) and was codified in the final rule as paragraph (o)(4).

Streamlining the appeal process was one of the purposes for revising the Department's policies and procedures by which individuals or groups may appeal decisions made by Forest Service officials concerning management of the National Forest System. Because the present language of paragraph (o)(4) has proven ambiguous, the Forest Service hereby revises the text to provide precise language that clarifies the level of appeal available for procedural decisions.

Therefore, in accordance with expectations to rulemaking procedures in 5 U.S.C. 553 and Department of Agriculture policy (36 FR 13804), it has been determined that advance notice and request for comments are unnecessary.

Regulatory Impact

This final rule has been reviewed under USDA procedures and Executive Order 12291, and it has been determined that this final rule is not a major rule and does not require a regulatory impact analysis. The final rule is a technical amendment and will have no effect on the Nation's economy or substantial numbers of individuals or businesses.

Small Entity Impact

The Assistant Secretary of Agriculture for Natural Resources and Environment has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Therefore a regulatory flexibility analysis is not required.

Environmental Impact

The final rule does not constitute a major Federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement is not

required under the National Environmental Policy Act of 1969.

Paperwork Burden

The final rule does not contain an information collection or recordkeeping requirement as defined in the Paperwork Reduction Act of 1980.

List of Subjects in 36 CFR Part 211

Administrative practice and procedure, National forests.

Therefore, for the reasons set forth above, Subpart B—Appeal of Decisions Concerning the National Forest System, of Part 211—Administration of Title 36 of the Code of Federal Regulations is amended as follows:

PART 211—ADMINISTRATION

Subpart B—Appeal of Decisions Concerning the National Forest System

1. The authority citation for Part 211, Subpart B, is as follows:

Authority: 30 Stat. 35, as amended, sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472).

2. Section 211.18 is amended by revising paragraphs (f)(1), (f)(6), (h)(2), (i)(3), and (o)(4) to read as follows:

§ 211.18 Appeal of decisions of forest officers.

(f) *Levels of Appeal.* (1) The available levels of appeal are in sequence according to the National Forest System line officer relationship. A decision made within delegated authority by any officer who serves as staff to a line officer listed below is considered a decision made by the line officer. A procedural decision cannot be appealed to a level higher than that available for the initial substantive decision from which the procedural matter arises.

(6) Decisions at the final level of review constitute the final administrative determination of the Department of Agriculture.

(h) ***

(2) Decisions to grant or to deny stay requests are appealable, if a level is available as set forth in paragraph (f) of this section.

(i) ***

(3) Dismissals are appealable, if a level is available as set forth in paragraph (f) of this section.

(o) ***

(4) Appeal of decisions on procedural matters cannot exceed the highest level

available for the initial substantive decision appealed.

Dated: June 8, 1984.
 Douglas W. MacCleery,
 Deputy Assistant Secretary for Natural Resources and Environment.

[FR Doc. 84-17210 Filed 6-27-84; 8:45 am]
 BILLING CODE 3410-11-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

[Docket No. FEMA-FIA]

National Flood Insurance Program; Standard Flood Insurance Policy Interpretations

AGENCY: Federal Insurance Administration (FIA) Federal Emergency Management Agency (FEMA).

ACTION: Interpretive rule.

SUMMARY: The Federal Insurance Administrator, pursuant to 44 CFR 61.14, is publishing Appendix C to the regulations in Part 61, interpretations, which may be issued from time to time by the Administrator, as to the scope of coverage afforded by the Standard Flood Insurance Policy. This document sets out an interpretive rule on coverage for expenses incurred in constructing dikes or installing "rip-rap":

DATE: Effective June 28, 1984.

FOR FURTHER INFORMATION CONTACT: Donald L. Collins, Federal Emergency Management Agency, Federal Insurance Administration, Room 429, 500 C Street, S.W. Washington, D.C. 20472, telephone number (202) 287-0740.

SUPPLEMENTARY INFORMATION: As this is an interpretive rule, notice and public comments are not required and the rule can be made effective immediately.

List of Subjects in 44 CFR Part 61

Flood insurance.

Accordingly, Part 61 of Subchapter B of Chapter I of Title 44 is amended by adding Appendix C as follows:

PART 61—[AMENDED]

Appendix C—Interpretative Rulings

[1984-1]

Coverage for expenses incurred in constructing dikes or installing "rip-rap."

The Dwelling Form of the Standard Flood Insurance Policy (SFIP) has two provisions which require an insured to mitigate damage to the property. Article III.B.1 requires the insured to use reasonably accessible means to save the insured property from loss

resulting from a flood and to preserve it after a flood, while Article VIII.L.2 requires the insured, should a flood loss occur, to protect the insured property from further damage.

Recovery for expenses incurred under these provisions is available only under certain conditions. Article III.B.1 only provides coverage for expenses incurred "after a flood" and further provides such coverage at the "sole option" of FEMA. Article VIII.H provides coverage for expenses incurred under Article VIII.L.2 only for expenses incurred "following a loss by flood." Thus, both Articles III.B.1 and Article VIII.H and L.2 limit coverage for mitigation expenses to expenses incurred after a flood to mitigate damages from that flood, thereby precluding any coverage for the construction of dikes or the installation of "rip-rap."

Article VIII.H has other conditions that must be met before there is coverage for expenses incurred under Article VIII.L.2. The expenses must be for repairs that are: (1) "Reasonable," (2) made to property "damaged by flood," and (3) made to "insured property." In regard to the third of these three additional conditions, it should be noted that neither the construction of dikes nor the installation of "rip-rap" could constitute repairs to insured property, as land is not insurable under the SFIP.

Finally, any possibility that expenses for the construction of dikes or the installation of "rip-rap" might be considered "Direct Physical Loss by or From Flood" is ruled out by the existence of the two provisions regarding coverage for mitigation expenses already discussed (Article III.B.1 and Article VIII.H and L.2). Having expressly provided the conditions under which mitigation expenses are covered, the policy limits coverage to exactly those conditions.

(National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968), 42 U.S.C. 4001-4128; Reorganization Plan No. 3 of 1978 (43 FR 41934); E.O. 12127, dated March 31, 1979 (44 FR 19367); E.O. 11988, dated May 24, 1977, and 44 CFR Part 9; Delegation of Authority of Federal Insurance Administrator, 44 CFR Part 2)

Issued at: Washington, D.C., May 11, 1984.

Jeffrey S. Bragg,

Federal Insurance Administrator.

[FR Doc. 84-17050 Filed 6-27-84; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6609]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that

are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

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

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the Federal Register.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may

legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

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

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

List of Subject in 44 CFR Part 64

Flood Insurance, Flood Plains.

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

PART 64—[AMENDED]

§ 64.6 List of Eligible Communities.

* * * * *

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard areas
Region I					
Connecticut: New Haven	Madison, town of	090079B	July 19, 1973, emergency; Sept. 15, 1978, regular; July 5, 1984, suspension.	May 31, 1974 and Sept. 15, 1978	July 5, 1984.
Maine: York	Old Orchard Beach, town of	230153B	Aug. 23, 1974, emergency; July 5, 1984, regular; July 5, 1984, suspension.	Aug. 23, 1974 and Nov. 19, 1976	Do.
Massachusetts: Middlesex	Burlington, town of	250185B	June 2, 1976, emergency; July 5, 1984, regular; July 5, 1984, suspension.	Aug. 9, 1977	Do.
Hampden	Holland, town of	250141B	July 18, 1975, emergency; July 5, 1984, regular; July 5, 1984, suspension.	June 7, 1974 and Apr. 8, 1977	Do.
Worcester	Milford, town of	250317B	Aug. 11, 1975, emergency; July 5, 1984, regular; July 5, 1984, suspension.	July 26, 1974 and Dec. 17, 1976	Do.
Region II					
New Jersey: Monmouth	Atlantic Highlands, borough of	340286C	June 19, 1975, emergency; Sept. 3, 1981, regular; July 5, 1984, suspension.	Dec. 21, 1975, Feb. 20, 1976, and Aug. 3, 1981.	Do.
New York: Dutchess	Clinton, town of	361334C	Mar. 1, 1976, emergency; July 5, 1984, regular; July 5, 1984, suspension.	Dec. 20, 1974, Aug. 20, 1976, and July 1, 1977.	Do.
Ulster	Esopus, town of	360855B	Oct. 9, 1974, emergency; July 5, 1984, regular; July 5, 1984, suspension.	May 31, 1974 and Jan. 9, 1976	Do.
Region III					
Pennsylvania: Bucks	West Rockhill, township of	421123B	June 1, 1979, emergency; July 5, 1984, regular; July 5, 1984, suspension.	Sept. 13, 1974	Do.
West Virginia: Kanawha	Handley, town of	540279A	Dec. 3, 1975, emergency; July 5, 1984, regular; July 5, 1984, suspension.	Jan. 17, 1975	Do.
Region V					
Wisconsin: Dodge	Beaver Dam, city of	550095D	May 16, 1975, emergency; Apr. 3, 1984, regular; July 5, 1984, suspension.	Dec. 17, 1973, Oct. 10, 1975, Sept. 24, 1976, and Jan. 27, 1978.	Do.
Illinois: Lawrence	Birds, village of	170410A	Nov. 20, 1975, emergency; July 5, 1984, regular; July 5, 1984, suspension.	Dec. 27, 1974	Do.
Region VI					
Louisiana: Jefferson Parish	Harahan, city of	225200C	Apr. 19, 1973, emergency; June 15, 1973, regular; July 5, 1984, suspension.	June 15, 1973, July 1, 1974, and July 11, 1975.	Do.
Calcasieu Parish	Lake Charles, city of	220040C	Feb. 9, 1973, emergency; Oct. 16, 1979, regular; July 5, 1984, suspension.	Nov. 1, 1974, Feb. 18, 1977, and Oct. 16, 1979.	Do.
Region VII					
Missouri: Saline	Miami, city of	290404A	Nov. 3, 1975, emergency; July 5, 1984, suspension.	Feb. 6, 1976	Do.
Region IX					
California: San Mateo	Unincorporated areas	060311B	Aug. 27, 1975, emergency; July 5, 1984, regular; July 5, 1984, suspension.	Nov. 1, 1974 and Apr. 15, 1977	Do.
Contra Costa	Concord, city of	065022B	July 24, 1970, emergency; July 5, 1984, regular; July 5, 1984, suspension.	June 28, 1974 and Apr. 9, 1976	Do.
Solano	Fairfield, city of	060370B	Jan. 17, 1975, emergency; July 5, 1984, regular; July 5, 1984, suspension.	Oct. 18, 1974 and Nov. 28, 1975	Do.
Region X					
Washington: King	Snoqualmie, town of	530090A	July 7, 1974, emergency; July 5, 1984, regular; July 5, 1984, suspension.	Dec. 21, 1976	Do.

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

Issued: June 22, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-17211 Filed 6-27-84; 8:45 am]

BILLING CODE 6718-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 42

[CGD 79-023]

Subdivision and Stability Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects an amendment in final regulations which transfer the subdivision and stability regulations for merchant vessels to a new Subchapter S. The regulations were published on November 4, 1983 (48 FR 50996).

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Perrini, (202) 426-2806. In FR Doc. 83-29910 at page 51006 of the **Federal Register** of November 4, 1983, paragraph 11 of the amendments is corrected to read as follows:

11. In § 42.20-3, by revising paragraph (b) to read as follows:

§ 42.20-3 Freeboard assignment: Type "A" vessels.

(b) A vessel that meets the requirements of Subpart D, F, or G of Part 172 of this Chapter is considered by the Coast Guard as meeting the flooding standard referenced in paragraph (a) of this section.

Dated: June 25, 1984.

L. N. Hein,

Captain, U.S. Coast Guard, Acting Chief,
Office of Merchant Marine Safety.

[FR Doc. 84-17250 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-15; RM-4061]

Signal Coverage Requirements Over Community Business and Factory Areas; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction and clarification.

SUMMARY: On June 1, the Commission released a *Report and Order* in MM Docket No. 83-15, concerning Signal Coverage Requirements (June 6, 1984; 49 FR 23345). Appendix A of that *Report and Order* inadvertently contained asterisks between subparagraphs (b)(2) and (c) of § 73.188 of the Commission's rules. This *Erratum* deletes those asterisks. Also, this *Erratum* clarifies licensing obligations for permittees of directional AM facilities. In the *Report and Order*, the Commission relieved permittees of directional AM facilities from taking certain field strength measurements in connection with their covering license application—specifically § 73.151(a)(3) of the Commission's rules. Permittees of directional AM facilities are still required to take field strength measurements in accordance with Sections 73.151 (a)(1), (a)(2) and (a)(4).

FOR FURTHER INFORMATION CONTACT: Scott Roberts, Mass Media Bureau, (202) 632-6302.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-17114 Filed 6-27-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1]

[OST Docket No. 1; Amdt. 1-195]

Organization and Delegation of Powers and Duties; Authority to Classify Information

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This amendment delegates to officials of the Maritime Administration authority to classify information in the interest of national security; it also incorporates terminology used in the current Executive Order on classification and reflects organizational changes within DOT.

DATE: The effective date of this amendment is June 28, 1984.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C-50, Department of Transportation, Washington, DC, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the *Federal Register*.

The transfer of the Maritime Administration (MARAD) from the Department of Commerce to the Department of Transportation (August 3, 1981; Pub. L. 97-31) requires amendment of DOT's delegations to include certain officials of MARAD among those authorized to classify national security information. Furthermore, the currently-applicable Executive Order on classification of national security information is Executive Order 12356 (47 FR 14874; April 6, 1982). It uses different terminology from its predecessor, Executive Order 12065 (43 FR 28949; July 3, 1978). This amendment makes those changes in terminology within DOT's delegations. Finally, the titles of certain positions delegated authority to classify national security information have changed; those changes are made by this amendment.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies); Organization and functions (government agencies); Transportation Department.

PART 1—[AMENDED]

In consideration of the foregoing, § 1.65 of Part 1 of Title 49, Code of

Federal Regulations, is amended as follows:

§ 1.65 Authority to classify information.

(a) E.O. 12356 confers upon the Secretary of Transportation authority to originally classify information as Secret and Confidential with further authorization to delegate this authority. (No official of the Department of Transportation has authority to originally classify information as Top Secret.)

(b) The following delegations of this authority, which may not be redelegated, are hereby made:

(1) *Office of the Secretary (OST)*, Chief, Security Staff.

(2) *U.S. Coast Guard (USCG)*, The Commandant; Chief, Office of Operations.

(3) *Federal Aviation Administration (FAA)*, The Administrator; Director of Civil Aviation Security.

(4) *Maritime Administration (MARAD)*, The Administrator; Associate Administrator for Policy and Administration (Confidential only); Director, Office of International Activities (Confidential only); Chief, Division of National Security Plans (Confidential only).

(c) Authority of originally classify information as Secret or Confidential is delegated to the following officials to become effective automatically upon declaration of civil readiness level Initial Alert or the comparable military readiness level. If invoked, this authority is automatically terminated when both civil and military levels return to the level of Communications Watch or comparable readiness state.

(1) *OST*, Deputy Secretary; Assistant Secretary for Policy and International Affairs; Assistant Secretary for Administration.

(2) *USCG*, Vice Commandant; Chief of Staff; Commander, Atlantic Area; Commander, Pacific Area; Commanders, Coast Guard Districts; Commander, Coast Guard Activities, Europe; Chief, Intelligence and Security Division.

(3) *FAA*, Deputy Administrator; Directors, FAA Regions and Centers.

(4) *MARAD*, Deputy Administrator; Region Directors; Heads of ALFA, BRAVO, and CHARLIE Emergency Teams when activated.

(d) Although the delegations of authority are expressed above in terms of positions, the authority is personal and is vested only in the individual occupying the position. The authority may not be exercised "by direction of" a designated official. The formal appointment or assignment of an individual to one of the identified

positions, a designation in writing of an individual to act in the absence of one of these officials, or the exercise by an individual of the powers of one of these officials by operation of law, however, conveys the authority to originally classify information.

(e) Previous delegations of authority to Department of Transportation officials to originally classify information as Secret and Confidential are hereby rescinded.

Authority: 49 U.S.C. 322.

Issued in Washington, DC, on June 7, 1984.

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 84-17219 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-62-M

Proposed Rules

Federal Register

Vol. 49, No. 126

Thursday, June 28, 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 ELECTION COMMISSION

11 CFR Parts 9007 and 9038

[Notice 1984-10]

Repayments by Publicly Financed Presidential Candidates

AGENCY: Federal Election Commission.
ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission requests comments on proposed rules revising the formula used to determine certain kinds of repayments by publicly-financed Presidential candidates. The proposed regulations would provide for a pro-rata, rather than 100%, repayment of funds used for non-qualified campaign expenses, in accordance with the recent decision by the U.S. Court of Appeals for the D.C. Circuit in *Kennedy for President Committee v. Federal Election Commission*, No. 83-1521 (D.C. Cir. May 15, 1984) and *Reagan for President Committee v. Federal Election Commission*, No. 83-1666 (D.C. Cir. May 15, 1984). It is intended that the new formula, if ultimately promulgated as a final rule, would be applied to publicly financed Presidential candidates in the 1984 elections. Further information on the proposed revisions, and additional issues on which the Commission seeks comment, is found in the

SUPPLEMENTARY INFORMATION which follows:

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

ADDRESSES: Comments should be sent to: Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20463.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, (202) 523-4143 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: On May 15, 1984, the U.S. Court of Appeals for the D.C. Circuit held that repayments by

publicly-financed Presidential primary candidates for non-qualified campaign expenses should be "limited to the amount of federal funds that the Commission reasonably determines were spent" by the candidates for such purposes. *Kennedy for President Committee et al. v. Federal Election Commission*, No. 83-1521 (D.C. Cir. May 15, 1984); *Reagan for President Committee v. Federal Election Commission*, No. 83-1666, slip op. at 2 (D.C. Cir. May 15, 1984). In accordance with the court's order, the Commission seeks comment on its proposed alternative to the current regulations, which require repayment of the total amount spent on non-qualified campaign expenses. See, 11 CFR 9007.2(b)(2) and 9038.2(b)(2). The proposed regulations would implement a pro-rata formula based on the proportion of federal funds to total funds received by the candidate. The amount of any repayment sought would then be a similar proportion of the total amount spent on non-qualified campaign expenses. In the case of Presidential primary candidates, the proportion of federal funds certified would be determined as of the candidate's date of ineligibility. In the general election, a pro-rata formula would only be used for major party candidates who had received private contributions to make up a deficiency in the Fund and for minor or new party candidates receiving partial Federal funding. The ratio for the general election would be determined as of December 31 of the Presidential election year.

The Commission seeks comments on the proposed formula and welcomes suggestions for alternative formulas that would not pose undue administrative burdens on the candidates or the Commission in their application. The Commission notes, however, that the court's opinion does not require a mathematically precise determination of the amount of Federal funds spent improperly but only a reasonable determination of the amount of federal matching funds so used. *Kennedy* slip op. at 7.

In addition, the proposed formula would essentially adopt the pro-rata approach found in 26 U.S.C. 9038(b)(3), concerning repayment of surplus funds. As section 9038(b)(2) does not contain a similar formula, the Commission would welcome comments on whether this pro-

rata approach is within the agency's statutory authority.

The Commission also seeks comments on what effect the court's decision may have on the relationship between the current enforcement and repayment processes. While the court has disapproved the Commission's practice of seeking 100% repayments, the opinion does raise the question of initiating enforcement proceedings against federally funded candidates for matters formerly resolved solely through the repayment process. *Id.* at 14.

A number of procedural issues must be considered in the event repayment and enforcement proceedings are conducted concerning the same or similar sets of circumstances. Several of these issues involve the question of timing. For example, should repayment and enforcement proceedings be conducted concurrently or sequentially? Under either alternative, how should the Commission balance the confidentiality requirements of the Act with the need to conclude the audit and repayment process as quickly as possible and place that information on the public record? Compare, 2 U.S.C. 437g(a)(12)(A) with 26 U.S.C. 9039(a) and 9009(a). The Commission seeks comments on the advisability of conducting enforcement proceedings in appropriate cases, what issues might be raised by that practice, and how the competing requirements of the Act might be reconciled while enabling the Commission to carry out its statutory mandates in a timely fashion and to encourage federally funded candidates to adhere to the Act's requirements.

Finally, as a result of these decisions, the Commission may have to re-examine other aspects of its administration of public financing. The Commission seeks comments on whether these decisions have any impact on other areas of public financing that have been developed through the regulatory and administrative process, such as permitting candidates to use matching funds for winding down costs and certifying additional funds after a candidate's date of ineligibility based on a statement of net outstanding campaign obligations.

Authority: 26 U.S.C. 9007, 9038.

List of Subjects in 11 CFR Parts 9007 and 9038

Campaign funds, Administrative practice and procedure, Political candidates.

PART 9007—[AMENDED]

It is proposed to amend 11 CFR Part 9007 by revising §9007.2(b)(2) (i),(ii)(B), (C) and (D); and adding (b)(2)(iii) as follows:

§ 9007.2 Repayments.

(b) * * *

(2) * * *

(i) If the Commission determines that any amount of any payment to an eligible candidate from the Fund was used for purposes other than those described in 11 CFR 9007.2 (b)(2)(i) (A) through (C), it will notify the candidate of the amount so used, and such candidate shall pay to the United States Treasury an amount equal to such amount.

(ii) * * *

(B) Determinations that amounts spent by a candidate, a candidate's authorized committee(s), or agent(s) from the Fund were not documented in accordance with 11 CFR 9003.5;

(C) Determinations that any portion of the payments made to a candidate from the Fund was expended in violation of State or Federal law; and

(D) Determinations that any portion of the payments made to a candidate from the Fund was used to defray expenses resulting from a violation of State or Federal law, such as the payment of fines or penalties.

(iii) In case of a candidate who has received contributions pursuant to 11 CFR 9003.3(b) or (c), the amount of any repayment sought under this section shall bear the same ratio to the total amount determined to have been used for non-qualified campaign expenses as the amount of payments certified to the candidate from the Fund bears to the total amount of deposits of contributions and federal funds, as of December 31 of the Presidential election year.

PART 9038—[AMENDED]

It is proposed to amend 11 CFR Part 9038 by revising §9038.2 (b) (i) adding (b)(2) (iii) and revising (b) (3) as follows:

§ 9038.2 Repayments.

(b) * * *

(2) * * *

(i) The Commission may determine that amounts of any payments made to a

candidate from the matching payment account were used for purposes other than those set forth in 11 CFR 9038.2 (b)(2)(i)(A)-(C):

(iii) The amount of any repayment sought under this section shall bear the same ratio to the total amount determined to have been used for non-qualified campaign expenses as the amount of matching funds certified to the candidate bears to the total amount of deposits of contributions and matching funds, as of the candidate's date of ineligibility.

(3) *Failure to Provide Adequate Documentation.* The Commission may determine that amount(s) spent by the candidate, the candidate's authorized committee(s), or agents were not documented in accordance with 11 CFR 9033.11. The amount of any repayment sought under this section shall be determined by using the formula set forth in 11 CFR 9038.2(b)(2)(iii).

Certification of No Effect Pursuant to 5 U.S.C. 605(b) [Regulatory Flexibility Act].

I certify that the attached proposed rules, if promulgated, will not have a significant economic impact on a substantial number of small entities. The basis for this certification is that no small entities are affected by the proposed rules.

Dated: June 22, 1984.

Lee Ann Elliott,

Chairman, Federal Election Commission.

[FR Doc. 84-17102 Filed 6-27-84; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM**12 CFR Part 210**

[Docket No. R-0522]

Federal Reserve Bank Check Collection System

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board of Governors is requesting public comment on an amendment to Regulation J that would strengthen the current requirement that payor depository institutions provide notice when they are returning unpaid large dollar checks presented through the Federal Reserve. The amendment would require the payor institution to provide timely notice to the depository institution at which the check was originally deposited that the check is being returned unpaid. The Federal

Reserve Banks would enhance the notification service they currently provide to assist payor institutions in meeting this requirement, and also would make the service available to depository institutions for checks collected outside the Federal Reserve.

DATE: Comments must be received by August 31, 1984.

ADDRESS: Comments, which should refer to Docket No. R-0522, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding the Availability of Information, 12 CFR 261.6(a).

FOR FURTHER INFORMATION CONTACT: Elliott C. McEntee, Associate Director (202-452-2231), or Bill Brown, Manager (202-452-3760), Division of Federal Reserve Bank Operations; Gilbert T. Schwartz, Associate General Counsel (202-452-3625), Joseph R. Alexander, Attorney (202-452-2489), or Robert G. Ballen, Attorney (202-452-3265), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION:**Background**

Significant attention has been focused in recent months on the issue of delayed availability, that is, the practice of some depository institutions to delay a depositor's ability to withdraw funds deposited by check for extended periods of time. Although the risk of loss to depository institutions associated with returned items is relatively small in the aggregate, many institutions point to the potential losses they could incur on particular returned checks as the reason for their delayed availability policies. The Board, in conjunction with other federal banking regulators, recently urged institutions to review their policies on making funds available to customers and to consider taking into account factors that indicate the degree to which a given situation presents a risk of loss. (See joint release of Federal Financial Institutions Regulators, March 22, 1984.) These factors include the length of time the account has been maintained, the past experience with the depositor, the identity of the drawer, the type of check, and the location of the payor institution. The Board recognizes that many institutions may be unwilling to modify their hold policies unless

some effort is made to reduce what these institutions believe is their exposure to potential losses as a result of returned checks.

The procedure for returning unpaid checks is cumbersome, labor intensive and time consuming. As a rule, depository institutions return unpaid checks to their immediate endorsers rather than directly to the institution at which the item was first deposited. This practice exists because of several factors, including legal obstacles to direct returns in five jurisdictions¹ and operational considerations such as lack of transportation and settlement arrangements between the institution returning the check and the institution of first deposit.

The Reserve Banks have been considering possible enhancements to the return item process as a part of the Federal Reserve's responsibility for improving the efficiency of the payments mechanism. For example, the Dallas Reserve Bank has been experimenting with enhancements to its return item service that include returning unpaid checks directly to institutions of first deposit that are located in the Dallas Reserve Bank's District. It is anticipated that it will take some time to complete the analysis of the ongoing Dallas experiment and to determine whether it would be cost effective to offer the direct return service in other Districts. At this juncture, modification to the Federal Reserve's current requirement that payor institutions provide notification when they return unpaid large dollar checks appears to be an effective way of reducing risk to institutions of first deposit.

Current Requirement

Federal Reserve Bank operating circulars currently require a payor institution returning a check in the amount of \$2500 or more that has been presented to it by a Reserve Bank to provide a notification of nonpayment to the presenting institution, which is generally the Reserve Bank. When the Reserve Bank receives a notification from a payor institution, the Reserve Bank initiates a notification to the institution that sent the check to the Reserve Bank for collection.

The current procedure is not entirely satisfactory for several reasons. There is no requirement that the payor institution notify the institution of first deposit directly that the check is being returned, and there are no time periods specified

for providing a notification. As a result, often the returned check gets to the institution of first deposit at the same time as or before the notification. In addition, Regulation J and the operating circulars do not specify the liability an institution incurs if it fails to provide a notification. As a result, the Board understands that notices are given for fewer than half of the large dollar checks returned through the Federal Reserve. Finally, even when a notification is provided, the information contained in the notification is often not sufficiently helpful to the institution of first deposit.

Proposed Notification Requirement

The Board believes that an enhanced notification of nonpayment requirement can provide the institution of first deposit with meaningful information about the check that is being returned unpaid. This information would enable the institution of first deposit that receives such a notice to take steps to protect itself from potential loss. (Such measures may include extending a hold it may have placed on the account or placing a hold on other funds of the depositor.)

The information that would be required to be provided in the notification would be specified. The information could include: (1) The name of the payor institution, (2) the name of the payee, (3) the amount of the check, (4) the reason for return, (5) the date of the endorsement of the institution of first deposit, (6) the account number of the depositor, (7) the branch at which the check was first deposited and (8) the trace number on the check. The account number of the depositor, the branch at which the check was deposited and the trace number on the check could be provided in the notification only if the institution of first deposit had placed such information on the check. In cases where the Federal Reserve initiated the notification through the Federal Reserve's Communications System, the notification would follow a standard format.

Under the proposal, the payor institution would be required to provide a notification of nonpayment to be received by the institution of first deposit by midnight of the second banking day following the banking day by which the payor institution is required to dishonor the check. For example, if the Federal Reserve presents a check to a payor institution on Monday, that institution generally is required to determine whether to pay or return the check by midnight Tuesday. If the institution determines to return the check, it must take steps to ensure that

notification of return is received by the institution of first deposit by midnight Thursday. The Board believes this time frame is appropriate in order to provide payor institutions time to take advantage of the most cost-effective means of providing notice.

Under the proposal, a payor institution could satisfy the notification requirement in one of four ways. First, the payor institution could return the unpaid check such that it is received by the institution of first deposit by midnight of the second banking day following the payor institution's midnight deadline for dishonor of the check. This alternative would generally be feasible when the payor institution is returning a check to a nearby institution of first deposit, either directly or perhaps through a local clearinghouse. Second, the payor institution could itself provide a notification directly to the institution of first deposit. The notice could be given by telephone or other telecommunications network such as BankWire, SWIFT, Telex or the Federal Reserve's Communications System, which would pass the message on to the institution of first deposit. Third, the payor institution could provide its Reserve Bank with all of the required information concerning the unpaid check. The Reserve Bank would then advise the institution of first deposit that the check is being returned and provide it with the appropriate information. Fourth, for checks collected through the Federal Reserve, a payor institution could return the check to the Reserve Bank with instructions that the Reserve Bank initiate a notification to the institution of first deposit. The Reserve Bank would then provide the appropriate information on the check to the institution of first deposit.

Institutions exercising either of these latter two options would be required to provide the information or the check (as the case may be) to the Reserve Bank in advance of the time by which notification would have to be received by the institution of first deposit. These deadlines would be specified in the Reserve Bank's operating circular.

Under the proposal, if a payor institution that had received a large dollar check from a Reserve Bank fails to exercise ordinary care in providing timely and accurate notification to the institution of first deposit, the payor institution would be liable for losses incurred by the institution of first deposit up to the amount of the item if timely and accurate notification would have enabled the institution of first deposit to take steps to avoid a loss. (Several courts already have applied

¹ Nevada, New Jersey, Oregon, Wisconsin, and the District of Columbia have not adopted section 4-212(2) of the Uniform Commercial Code, which authorizes the payor institution to return an unpaid check directly to the institution of first deposit.

this standard in cases involving the failure of a payor institution to provide notification of return.) On the other hand, a payor institution that did not provide timely and accurate notification would not incur liability if, after exercising ordinary care, it had not been able to determine the identity of the institution of first deposit because of an illegible endorsement.

Similarly, in cases where the Reserve Bank assists the payor institution in providing notification, the Reserve Bank would be liable for a loss incurred by the institution of first deposit up to the amount of the item if the loss would have otherwise been avoided had the Reserve Bank exercised ordinary care in providing the notification. If the payor institution returns the check to the Reserve Bank in accordance with established deadlines and requests the Reserve Bank to initiate the notification, the Reserve Bank would incur the same liability to the institution of first deposit as would the payor institution.

It is proposed that a three tiered fee structure apply to the services offered by the Reserve Bank. If the institution provides notification through the use of an online Fedwire message, a fee of \$2.25 per advice would be charged. This fee is based upon the estimated cost of providing the service, including any notifications that the Reserve Bank must make by telephone to the institution of first deposit. If the payor institution telephones the Reserve Bank and requests it to provide the required information to the institution of first deposit, a fee of \$4.25 would be charged. This fee reflects additional labor costs involved in transcribing the information provided by the payor institution and potential liability Reserve Banks may incur as a result of possible errors in transcription. Finally, if the payor institution returns a check collected through the Federal Reserve to the Reserve Bank with instructions to provide notification to the institution of first deposit, a fee of \$4.25 would be charged. This fee includes the costs of sorting, reading the endorsements, initiating the wire advice, and potential Reserve Bank liability. It is appropriate to charge the payor institution for these services because the Reserve Bank is assisting the payor institution in fulfilling its responsibility to provide notification and because its customer is usually responsible for the returned check.

When the payor institution makes use of the Federal Reserve's notification service, the institution of first deposit would be able to specify to the Reserve Bank whether the institution desires to

receive notification of dishonor via the telephone or the Federal Reserve's Communication System. The institution of first deposit would also be able to specify the department (or other entity) that should receive the notice.

It is proposed that the notification requirement apply to returned checks of \$2,500 and above. The current notification requirement applies to checks \$2,500 and above. Although checks in amounts of \$2,500 and above comprise approximately 2 percent of all returns, they account for over 50 percent of the dollars associated with returned checks. Finally, when the Board proposed to strengthen the liability provisions of the current notification requirement in May, 1981, many of the public commenters opposed raising the dollar cut off to which the notice requirement would apply. Although the Board is recommending that the notification requirement initially apply to returned checks of \$2,500 or more, the impact of the proposal will be evaluated over time to determine the feasibility of lowering the \$2,500 cut off.

It should be noted that the proposed notification requirement could only apply to the checks originally collected through the Federal Reserve. (It is estimated that approximately one-third of all checks written are collected through the Federal Reserve.) Legislation would be necessary to extend the notification requirement to checks originally collected outside the Federal Reserve.

The Board expects that the notification requirement will provide significant improvements in the return item process in the near term. At the same time, the Board recognizes that this is an interim solution, and further initiatives will be required to achieve long term comprehensive solutions to the processing of return items. These initiatives are likely to include development and implementation of endorsement standards, evaluation of extension of the midnight deadline for small dollar checks, assessment of technology to substitute automation for the largely manual handling of returns, and consideration of electronic means to speed the flow of payment information. The Federal Reserve intends to continue to take an active role in working with the industry and Congress to pursue these improvements.

In addition to other aspects of the proposal, the Board specifically requests comment on the following questions:

(1) Should a payor institution be required to provide notification of nonpayment such that it is received by the institution of first deposit by

midnight of the payor institution's *next* banking day, rather than by midnight of the *second* banking day as proposed, following the banking day by which the payor institution is required to dishonor the check?

(2) Should the notice be required to be received by the institution of first deposit by the close of the institution's business day (*i.e.*, 2:00 p.m.) rather than by midnight of the banking day?

(3) Will the information specified in the proposal to be required be useful to the institution of first deposit? Is there any information other than that specified in the proposal that should be included in the notification?

(4) For notifications that are not handled by the Federal Reserve, should the institution of first deposit be permitted to specify the department of the institution (or other entity) that should receive the notification? Should this information be required to be placed on the check?

(5) If the day the payor institution provides notice to the institution of first deposit is not a business day for the institution of first deposit, should the regulation provide that receipt of notice on the institution of first deposit's next business day constitutes timely notice?

(6) Is \$2,500 and over the appropriate cut off?

(7) What is the appropriate standard of payor institution liability for failure to comply with the notification requirements?

(a) The proposal adopts the current standards of liability contained in the Uniform Commercial Code for failure to exercise ordinary care (*i.e.* liability up to the amount of the item) or failure to act in good faith (*i.e.* liability for consequential damages). Should the proposal adopt the U.C.C. standards or should some other standards of liability apply?

(b) Should the payor institution be liable for the institution of first deposit's court costs and reasonable attorney's fees?

(8) What impact will the proposal have on institutions' delayed availability policies?

(9) What do institutions of first deposit and payor institutions estimate will be their internal costs resulting from this proposal? What do intermediary institutions estimate will be their savings because they will no longer be required to pass notifications to their prior endorsers?

(10) Is it desirable to enact legislation establishing a notification requirement for all checks above a certain amount and not just those collected through the Federal Reserve.

(11) In view of the information required, is it desirable to establish an endorsement standard to identify better institutions of first deposit?

The impact of this proposal on small entities has been considered in accordance with the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 603). The proposal should not result in a significant burden on small depository institutions because all depository institutions currently are required to provide notification of nonpayment of checks of \$2,500 or more collected through the Federal Reserve. That is, a payor institution currently is required to incur the cost of providing notice of nonpayment of such checks to the presenting institution. Under the proposal, a payor institution would be required to provide this notice of nonpayment directly to the institution of first deposit rather than to the presenting institution. Moreover, it is proposed that the Reserve Banks would provide an enhanced notification service which would serve to reduce the operational effect the proposal may have. Finally, the proposal imposes no new reporting or recordkeeping requirements on depository institutions.

List of Subjects in 12 CFR Part 210

Banks, banking, Federal Reserve System.

Pursuant to its authority under section 13 of the Federal Reserve Act (12 U.S.C. 342); section 16 of the Federal Reserve Act (12 U.S.C. 248(o), 360); and section 11(i) of the Federal Reserve Act (12 U.S.C. 248(i)), the Board proposes to amend 12 CFR Part 210 (Regulation J) as follows:

PART 210—[AMENDED]

In § 210.12, the last sentence of paragraph (b) is designated as paragraph (d), and new paragraph (c) is added after paragraph (b) to read as follows:

§ 210.12 Return of cash items.

(c) *Notification of Nonpayment.* (1) A paying bank that receives a cash item in the amount of \$2,500 or more directly or indirectly from a Reserve Bank (other than an item endorsed by, or for credit to, the U.S. Treasury) shall provide notice to the first bank to which the item was transferred for collection ("depository bank") that the paying bank is returning the item unpaid.

(2) The paying bank shall provide the notice specified above such that it is received by the depository bank by midnight of the second banking day of the paying bank following the deadline

for return of the item as specified in paragraph (a) of this section. Such notice may be provided through any means, including return of the cash item so long as the cash item is received by the depository bank by midnight of the second banking day of the paying bank following the deadline for return of the item as specified in paragraph (a) of this section.

(3) The information contained in the notice shall be in accordance with uniform standards and procedures specified by the operating circular of the Reserve Bank from which the item was received.

(4) A paying bank that fails to exercise ordinary care in meeting the requirements of this paragraph shall be liable to the depository bank for losses incurred by the depository bank, up to the amount of the item, reduced by the amount of the loss that the depository bank would have incurred even if the paying bank had used ordinary care. A paying bank that fails to act in good faith in meeting the requirements of this paragraph may be liable for other damages, if any, suffered by the depository bank as a proximate consequence. A paying bank providing notice under this paragraph shall not be liable for mistake, neglect, negligence, misconduct, insolvency or default of any other bank or person.

(5) Notwithstanding the provisions of § 210.6 of this subpart, a Reserve Bank that fails to exercise ordinary care in undertaking to provide the notice required in this paragraph on a paying bank's behalf shall be liable to the depository bank for losses incurred by the depository bank, up to the amount of the item, reduced by the amount of the loss that the depository bank would have incurred even if the Reserve Bank had used ordinary care. A Reserve Bank that fails to act in good faith in undertaking to provide the notice required in this paragraph on a paying bank's behalf may be liable for other damages, if any, suffered by the depository bank as a proximate consequence. A Reserve Bank providing notice under this paragraph shall not be liable for mistake, neglect, negligence, misconduct, insolvency or default of any other bank or person, including the paying bank.

By order of the Board of Governors, June 22, 1984.

[FR Doc. 84-17199 Filed 6-27-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-ASW-26]

Proposed Alteration of Transition Area; Freeport, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area at Freeport, TX. The intended effect of the proposed action is to provide additional controlled airspace for helicopters executing a new standard instrument approach procedure (SIAP) to a point in space. This action is necessary since there is a new point in space helicopter approach being developed for the Air Logistics landing area.

DATE: Comments must be received by July 30, 1984.

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

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

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

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in FAA Order 7400.6, Compilation of Regulations, dated January 3, 1984, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Freeport, TX, will necessitate an amendment to this subpart. This amendment will be required at Freeport, TX, since there is a proposed SIAP for helicopters landing at Air Logistics landing area.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-ASW-26." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

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

List of Subjects in 14 CFR Part 71

Transition areas, aviation safety.

The Proposed Amendment**PART 71—[AMENDED]**

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Freeport, TX Revised

And within 2.5 miles each side of the Scholes VORTAC 233° radial at a point beginning 19.5

miles southwest of the VORTAC and extending to 26.5 miles southwest.

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

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

Issued in Fort Worth, TX, on June 18, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-17197 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 84-ACE-09]

Transition Area—Eureka, Kansas; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Eureka, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Eureka Municipal Airport, Eureka, Kansas, utilizing the Emporia, Kansas VORTAC as a navigational aid. This proposed action will change the airport status from VFR to IFR.

DATE: Comments must be received on or before August 4, 1984.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager,

Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dale L. Carnine, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Eureka, Kansas. To enhance airport usage a new instrument approach procedure is being developed for the Eureka, Kansas Municipal Airport utilizing the Emporia, Kansas VORTAC as a navigational aid. This navigational aid will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Eureka, Kansas, at and above 700 feet

above ground level (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Sec. 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by designating the following transition area:

Eureka, Kansas

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Eureka Municipal Airport (latitude 37°51'02"N, longitude 96°17'33"W) and within 1.5 miles each side of the Emporia, Kansas, VORTAC, 195° radial extending from the 5-mile radius area to 6 miles north-northeast of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Public Law 97-449, January 12, 1983); and Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65).

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

Issued in Kansas City, Missouri, on June 20, 1984.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 84-17193 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 84-AWP-5]

Proposed Realignment of Jet Route J-65, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign a segment of Jet Route J-65 to facilitate a more efficient utilization of the airspace and conserve aviation fuel.

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

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 84-AWP-5, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to

Airspace Docket No. 84-AWP-5". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to move the segment between Palmdale, CA, and Bakersfield, CA, of Jet Route J-65 eastward approximately 8 miles. This action would: (1) Make that route segment a more direct path between those two locations and thereby contribute to aviation fuel conservation; (2) reduce controller workload by removing the need for air traffic controllers to utilize radar vectoring and route monitoring procedures along the proposed route segment alignment; and (3) provide more airspace for high performance aircraft departing northbound from Burbank, CA, and Los Angeles, CA. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

List of Subjects in 14 CFR Part 75

Jet routes, Aviation safety.

The Proposed Amendment

PART 75—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal

Aviation Regulations (14 CFR Part 75) as follows:

J-65 [Amended]

By deleting the words "INT Palmdale 291" and Bakersfield, Ca, 149" Radials;" and substituting the words "INT Palmdale 310 T(295 M) and Bakersfield, CA, 140 T(124 M) radials;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., on June 21, 1984.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 84-17194 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 93

[Docket No. 24105; Notice 84-6]

Slot Transfer Methods

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public hearing.

SUMMARY: The public hearing on Slot Transfer Methods (NPRM 84-6), published in the *Federal Register* on June 7, 1984, (49 FR 23788), scheduled for June 21, 1984, in the Federal Aviation Administration (FAA) Building at 800 Independence Avenue SW., Washington, D.C., is rescheduled for July 9, 1984. The FAA is still considering the requests for extension of the comment period (closes on July 9, 1984) on the NPRM submitted by a number of organizations. Other Public Hearings on the NPRM were/are being held in Rosemont, Illinois (June 26, 1984) and in San Francisco California (June 28, 1984).

DATES: Public Hearing; July 9, 1984.

ADDRESS: See Supplementary Information.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, (202) 426-3773.

SUPPLEMENTARY INFORMATION:

Public Hearing Schedule

The schedule for the hearing is as follows: July 9, 1984, Federal Aviation Administration, 800 Independence Avenue SW., 3rd Floor Auditorium, Washington, D.C.

9:00-9:15—Presentation of Meeting Procedures.

9:15-10:00—DOT Presentation.

10:15-12:15—Public Presentation and Discussion.

12:15-1:30—Lunch Break.

1:30-5:00—Public Presentation and Discussion.

Interested persons are invited to attend the public hearing and to participate by making oral or written statements. Written statements should be submitted in duplicate and will be made a part of the rules docket. Requests to make an oral presentation at the public hearing should identify the docket number and the time required (time may be limited depending upon the number of presentations), and be sent to Denise D. Hall, Office of the Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3080. Requests must be received on or before July 6, 1984. Presentations will be scheduled on the first-come first-served basis as time may permit within the meeting schedule.

Hearing Procedures

The following procedures will apply at the hearing:

(a) The hearing will be informal in nature and will be conducted by the designated representative of the Administrator under 14 CFR 11.33. Each participant will be given an opportunity to make a presentation.

(b) The hearing will begin at 9:00 a.m. There will be no admission fee or other charge to attend and participate. All sessions will be open to all persons on a space available basis. The presiding officer may accelerate the hearing agenda to enable early adjournment if the progress of the meeting is more expeditious than planned.

(c) All hearing sessions will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter directly. A copy of the court reporter's transcript will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the hearing may be accepted at the discretion of the presiding officer. Participants submitting handout materials must present an original and two copies to the presiding officer before distribution. If approved by the

presiding officer, there should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by DOT participants at the hearing should not be taken as expressing a final DOT position.

Issued in Washington, D.C., on June 25, 1984.

Edward P. Faberman,
Acting Chief Counsel.

[FR Doc. 84-17312 Filed 6-28-84; 2:55 pm]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-21088, File No. S7-877]

Records Not Obtained by the Commission

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rule 24a-1.

SUMMARY: Proposed Rule 24a-1, pending since February 27, 1981,¹ would have provided a definition of documents "otherwise obtained" by the Commission within the meaning of section 24(a) of the Securities Exchange Act of 1934, which defines agency records for purposes of the Freedom of Information Act. The Commission is withdrawing the proposal since it has chosen instead to seek legislation amending Section 24(a).

EFFECTIVE DATE: June 28, 1984.

FOR FURTHER INFORMATION CONTACT: Kevin S. Fogarty, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2419.

SUPPLEMENTARY INFORMATION: The Commission has recently transmitted to Congress a proposal to amend Section 24 of the Exchange Act in order to exempt from the FOIA certain material submitted to the Commission in its inspections and investigations, as well as information submitted subject to a valid assertion of a legal privilege, such as the attorney-client privilege or the work product doctrine.² This legislation,

¹ Release Nos. 33-6295, 34-17582, 35-21937, 39-613, IC-11651, IA-751, 46 FR 15178 (Mar. 4, 1981).

² See letters of Chairman John S.R. Shad to the Honorable Timothy E. Wirth, Chairman, House Subcommittee on Telecommunications, Consumer Protection and Finance, Committee on Energy and Commerce, and the Honorable Alfonse M. D'Amato, Chairman, Senate Securities Subcommittee, Committee on Banking, Housing, and Urban Affairs, February 22 and 28, 1984, respectively.

if enacted, would accomplish the same objectives as proposed Rule 24a-1 which the Commission published for comment in 1981. In light of the Commission's legislative proposal and of the comments received on proposed Rule 24a-1,³ the Commission hereby withdraws the proposed rule.⁴

By the Commission.

Dated: June 22, 1984.

George A. Fitzsimmons,
Secretary.

The full text of the proposed rule the Commission is withdrawing is as follows:

§ 240.24a-1 Records not obtained by the Commission.

A "record" received by the Commission, other than in connection with a filing with the Commission, shall not be considered to have been "otherwise obtained" by the Commission, within the meaning of Section 24(a) of the Act, 15 U.S.C. 78x(a), unless such record is used as an exhibit by the Commission or its staff in the law enforcement activities of the Commission, including investigations and judicial or administrative proceedings, or in proceedings by the Commission conducted pursuant to its Rules of Practice or under its Conduct Regulation. This section does not affect the status of records created by, or at the direction of, the Commission or its staff.

[FR Doc. 84-17307 Filed 6-27-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 24

**Proposed Customs Regulations
Amendment Relating to Payment of
Estimated Duties and Other Charges**

AGENCY: U.S. Customs Service,
Treasury.

ACTION: Proposed rule.

SUMMARY: The Customs Regulations provide that an uncertified check drawn

³ There were twenty-three commentators, including bar association groups, securities firms, law firms, industrial companies, trade associations, the Freedom of Information Clearinghouse, a member of Congress and an individual. Copies of all comments are available at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, D.C. 20549. See File No. S7-877.

⁴ Section 24(a) of the Exchange Act defines the term "records" to include, for FOIA purposes, all applications, statements, reports, contracts, correspondence, notices, and other documents filed with or otherwise obtained by the Commission pursuant to this title or otherwise.

by an interested party on a national or state bank or trust company shall be accepted as payment for Customs duties, taxes and other charges owing, provided a bond securing payment of these obligations is on file with Customs, or if no bond has been filed, provided prior approval has been obtained. This document proposes to amend the regulations to provide that importers or interested parties who are currently delinquent in the discharge of any obligations to Customs be required to pay estimated duties and other charges by a certified check, money order, or cash with each subsequent entry or entry summary, before the merchandise is released from Customs custody. Importers or interested parties whose names are placed on any of the Customs regions' sanction lists would be required to submit payment in this form for all subsequent payments until the delinquent debt is satisfied. This proposal would guarantee that the check is covered by sufficient funds in the banking institution on which it is drawn, thereby relieving Customs of the burden of attempting to collect against checks returned for insufficient funds.

DATE: Comments must be received on or before August 27, 1984.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Remigio Ferrara, Chief, Revenue Branch, Accounting Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2596).

SUPPLEMENTARY INFORMATION:

Background

Section 24.1(a)(3), Customs Regulations (19 CFR 24.1(a)(3)), provides that an uncertified check drawn by an interested party on a national or state bank or trust company of the United States shall be accepted by Customs for payment of duties, taxes, or other charges if there is on file with the district director of Customs an entry bond or other bond to secure the payment of the duties, taxes, or other charges. If a bond has not been filed, the organization or individual drawing and tendering the uncertified check must have been approved by the district director to make payment in this manner. It is also provided in this section that in determining whether an uncertified check shall be accepted in the absence of a bond, the district director shall use available credit data obtainable without cost to the

Government, such as that furnished by banks, local business firms, better business bureaus, or local credit exchanges, sufficient to satisfy him of the credit standing or reliability of the drawer of the check.

The above procedures for the most part have facilitated the prompt payment of duties, fees and other charges to Customs. In a significant number of cases, however, uncertified checks submitted in payment of duties and other obligations have been returned unpaid by the banking institution because the importer or interested party's account did not have sufficient funds to cover the check. If the obligation remains unsatisfied, the debtor is designated a delinquent payor and his name is placed on a sanction list published on a semi-monthly basis by Customs Financial Management Division of the region in which the debt is incurred. This listing is furnished to import specialists, inspectors, and other Customs officials with instructions (1) not to release the delinquent payor's merchandise unless a duty-paid entry is filed and (2) not to provide reimbursable services unless cash payment is first tendered.

Although a duty-paid entry is required from a delinquent importer or interested party, this has not proved to be an adequate method of ensuring payment of duty inasmuch as the importer or interested party may continue to submit uncertified checks that are dishonored because of insufficient funds. Moreover, it is very likely that the imported merchandise will have been released before the check is returned to Customs unpaid by the banking institution.

Customs attempts to collect the duty from either delinquent importers or parties in interest or, in the event that these attempts are unsuccessful, from the surety on the importer's bond have resulted in unnecessary administrative expense and loss of revenue. In failing to satisfy their obligations to Customs, the delinquent importers and parties in interest have also exposed the surety on the importer's bond to increased liability. The continuation of this system of allowing delinquent importers or interested parties to present uncertified checks is very likely to lead to the assessment of higher bond charges by surety companies, much to the detriment of the great majority of importers who consistently submit payment of all due amounts promptly.

By requiring delinquent importers or interested parties to submit a certified check for all subsequent payments until the delinquent debt is satisfied, Customs would be relieved of the time and

resource-consuming burden of attempting to collect duty and other charges from delinquent payors or the surety whose bond secures payment of the duty. It would benefit Customs by ensuring effective and prompt collection of duty and other charges, the surety companies by reducing claims against them, and the importing public by decreasing the overall costs relating to the importation of merchandise.

Customs believes that it is necessary to incorporate this proposal into § 24.1, Customs Regulations, to ensure uniformity of application by district directors of Customs and to provide importers, interested parties, and surety companies with notification of this practice.

Comments

Before adopting this proposal, consideration will be given to written comments (preferably in triplicate) that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the proposed regulation set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Susan S. Terranova, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Authority

This amendment is proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), section 1, 19 Stat. 247, 249 (19 U.S.C. 197); section 1, 36 Stat. 965 (19 U.S.C. 198); section 624, 46 Stat. 759 (19 U.S.C. 1624), section 641, 46 Stat. 759, as

amended (19 U.S.C. 1641), section 648, 46 Stat. 762 (19 U.S.C. 1648).

List of Subjects in 19 CFR Part 24

Customs duties and inspection, Imports, Accounting.

Proposed Amendment

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

It is proposed to amend § 24.1(a), Customs Regulations (19 CFR 24.1(a)), by redesignating paragraph (a)(3) as paragraph (a)(3)(i) and adding new paragraph (a)(3)(ii) to read as follows:

§ 24.1 Collection of Customs duties, taxes, and other charges.

(a) * * *

(3) * * *

(ii) Where the importer or party in interest is delinquent in the payment of duties or any other obligation to Customs, the district director shall require a certified check, money order, or cash from the importer, party in interest, or agent for each subsequent payment until the delinquent debt is satisfied.

William von Raab,

Commissioner of Customs.

Approved: June 8, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84-17237 Filed 6-27-84; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Consideration of Amendments to the Kentucky Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Reopening of public comment period.

SUMMARY: OSM is reopening the period for review and comment on certain amendments submitted by the Commonwealth of Kentucky to its program for the regulation of surface coal mining and reclamation in the State. The amendments related to Kentucky's civil penalty program and hearings provisions and its administrative rules of procedure pertaining to discovery and burden of proof.

DATES: Written comments, data or other relevant information must be received on or before 4:00 p.m. July 30, 1984 to be considered. Comments submitted after this date may not necessarily be considered.

ADDRESS: Comments should be sent or hand-delivered to: W. H. Tipton, Director, Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

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

SUPPLEMENTARY INFORMATION: By a letter dated October 31, 1983, OSM received, pursuant to the 30 CFR 732.17 State program amendment procedures, revised regulations intended to satisfy certain conditions of the Secretary's approval of the Pennsylvania regulatory program. On November 17, 1983, OSM published a notice in the *Federal Register* announcing receipt of the amendments to the Kentucky program and inviting public comments thereon (48 FR 42333-52334). The public comment period ended December 19, 1983. The public hearing scheduled for December 12, 1983, was not held because no one expressed a desire to present testimony.

On May 14, 1984, OSM received additional material from Kentucky pertaining to conditions (k) and (d). This material consists of revised regulations at 405 KAR 7:090, 405 KAR 1:040 and 405 KAR 1:050. The revisions pertain to Kentucky's civil penalty program and hearings procedures, and its administrative rules of procedure for discovery and burden of proof.

OSM is reopening the comment period for an additional 30 days to allow the public sufficient time to review and comment on the above Kentucky amendments. Written comments should be specific, pertain only to the issues proposed in this rulemaking and include explanations of why the commenter believes or does not believe that the proposed amendment includes the same or similar procedural requirements as provided in 30 CFR Part 845, 43 CFR Part 4 and consistent with sections 518 and 521 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the SMCRA.

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

Dated: June 21, 1984.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 84-17247 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD3 84-43]

Regatta; National Sweepstakes Regatta, Redbank, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: Special Local Regulations are being proposed for the National Sweepstakes Regatta being sponsored by the National Sweepstakes Regatta Association of Redbank, NJ to be held on August 18-19, 1984 between the hours of 8:00 a.m. and 6:00 p.m. The Coast Guard is considering the issuance of this regulation to provide for the safety of participants and spectators on navigable waters during the event.

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

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

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, data, or arguments. Persons submitting written comments should include their names and addresses, identify this notice (CGD3 84-43) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The comment period for this proposed rule making is less than the normal 45 days because of the time constraints involved. Due to the shortened comment period, verbal comments submitted by telephone are acceptable. The regulations may be changed in light of comments received.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rule making process.

Drafting Information

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

Discussion of Proposed Regulations

The annual National Sweepstakes Regatta is a powerboat race event to be held on the Navesink River on August 18-19, 1984. It is sponsored by the National Sweepstakes Regatta Association, sanctioned by the American Powerboat Association and is well known to the boaters and residents of this area. The race track oval will be approximately 1.25 miles in length. Races will be held on both days on a section of the Navesink River just east of the N.J. Route 35 Bridge. Race heats will run both days from approximately 10:00 a.m. to 6:00 p.m. with 100 inboard/hydroplane powerboats participating each day. The sponsor will place several temporary buoys on the river to mark both the race course and spectator areas. There will be 2 race committee boats anchored within the oval course, one on each end with turn judges and press onboard. The U.S. Coast Guard will assist the sponsor and local authorities in providing a safety patrol during this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement and establish spectator areas prior to and during the races. Vessels desiring to transit the area will be given an opportunity to do so several times during each day in between race heats as directed by the Coast Guard Patrol Commander.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the races. This should easily compensate area

merchants for the slight inconvenience of having navigation restricted.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations by adding a temporary § 100.35-309 to read as follows:

§ 100.35-309 National Sweepstakes Regatta, Redbank, NJ.

(a) *Regulated Area.* That portion of the Navesink River in Redbank, N.J. between the N.J. Route 35 Bridge and a line running across the Navesink River connecting Guyon and Lewis Points.

(b) *Effective Period.* This proposed regulation will be effective from 8:00 a.m. to 6:00 p.m. on both August 18 and 19, 1984.

(c) *Special Local Regulations.* (1) The regulated area shall be intermittently closed to all vessel traffic during the effective period, except as may be allowed by the Coast Guard Patrol Commander.

(2) No person or vessel shall enter or remain in the regulated area while it is closed unless participating in or authorized by the event sponsor or Coast Guard patrol personnel.

(3) Vessels awaiting passage through the regulated area shall be held in unmarked anchorages in the area to the east of the N.J. Route 35 Bridge and in the vicinity of Lewis Point.

(4) No transiting vessels shall be allowed out onto or across the regulated area without Coast Guard escort.

(5) All persons or vessels not registered with the sponsor as participants or not part of the regatta patrol are considered spectators. Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility in a way that will not interfere with the progress of the event. The following are established as spectator areas:

(i) Spectator vessels shall be held behind (north of) a line of buoys provided by the sponsor running approximately west to east starting .25 miles east of the N.J. Route 35 Bridge.

(ii) A second spectator area shall be marked by a curved line of sponsor provided buoys centered on a line drawn approximately due south from

Jones Point, running through Can Buoy #21. All spectator craft shall stay to the east of this string of buoys.

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

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

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

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

(iii) \$250 for any other person.

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

(33 U.S.C. 1233; 49 U.S.C. 108; 49 CFR 1.40(b) and 33 CFR 100.35)

Dated: June 15, 1984.

R. L. Johanson,

Captain, U.S. Coast Guard, Commander,
Third Coast Guard District, Acting.

[FR Doc. 84-17240 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 110

[CCGD-82-01]

Anchorage Regulations, Western Florida

AGENCY: Coast Guard, DOT.

ACTION: Cancellation of rulemaking.

SUMMARY: The Coast Guard is withdrawing the proposed anchorage regulations calling for the establishment of anchorage grounds in Pensacola Bay and in St. Andrew Bay, because there is no longer a demonstrated need for the anchorage at this time.

FOR FURTHER INFORMATION CONTACT: LCDR A. J. SABOL, c/o Captain of the Port, Mobile, Alabama, Suite 1900, First National Bank Building, Mobile, AL 36652, Tel: (504) 690-2201.

SUPPLEMENTARY INFORMATION: On December 2, 1982 the Coast Guard published a Notice of Proposed Rulemaking in the Federal Register for this regulation (47 FR 54310). Interested persons were requested to submit comments. Ten comments were received.

Drafting Information

The principal persons involved in drafting this notice are LCDR M. W. Brown, USCG, Project officer, c/o Commander, Eighth Coast Guard District (mps), and LCDR W.B. Thomas, USCG, Project Attorney, c/o Commander, Eighth Coast Guard District (dl), Hale Boggs Federal Bldg., 500 Camp Street, New Orleans, LA 70130.

Discussion of Comments

Comments were received from the State of Florida Department of Commerce, the State of Florida Department of Environmental Regulation, the State of Florida Department of Natural Resources, the Mayor of Panama City, the Escambia County Board of Commissioners, the National Marine Fisheries Service, the U.S. Army Corps of Engineers and the National Oceanic and Atmospheric Administration. Six of the comments received were in response to the Environmental Assessment for the project prepared by the Commander, Eighth Coast Guard District. Comments were also received from Mobile Ferry Lines and the Port of Pensacola, the original requesters for the anchorage, withdrawing their request.

Two commenters were concerned with the potential aesthetic degradation at the St. Andrew Bay site. The proposed anchorage was located adjacent to an area that was scheduled for extensive residential development. Establishment of the anchorage area could cause property values to decrease, as one of the desirable features of the property is an unobstructed view of the bay.

One commenter expressed concern over the possibility of "wave shadow" at the St. Andrew Bay site. This wave shadow could adversely affect the shoaling characteristics of the area and could cause the need for increased maintenance dredging.

Three commenters expressed concern over the possibility of oil spills, especially at the St. Andrew Bay site. This site is in close proximity to the St. Andrew Bay Aquatic Preserve. A spill here could have a significant impact on the area. The commenters were concerned with what measures would be initiated to prevent oil spills. In addition, there was concern that ship breaking activities would be conducted in the anchorages.

The Coast Guard had evaluated the probability of spills of any type at the anchorages, had they been established, as "slight" for the following reasons:

a. The primary users of the anchorage would have been vessels in a laid up

status. Such vessels, regardless of type, i.e. tanker, cargo, etc., would have been in ballast and in a gas free condition. There would have been no cargo aboard.

b. No activity other than minor repairs and routine maintenance would normally have been conducted. There would have been no ship breaking or major repair work conducted.

c. All vessels would have required a permit from the Captain of the Port, Mobile prior to occupying the anchorage. That permit would have insured that the vessel was adequately moored, in sound material condition, adequately manned, and in compliance with all applicable Federal Regulations, particularly the Pollution Prevention Regulations. This control on vessels utilizing the anchorage would have minimized the risk of spills, as well as any other type of accident.

Five of the commenters expressed concern over the limitations of access that the anchorages would cause. The Coast Guard determined that in view of the light water traffic in the area, the small area of navigable water that would be obstructed, and the fact that water traffic in the area could have easily rerouted around the anchorage areas, any disruption to navigation would be insignificant. The sea bottom in the affected area is public lands and is currently unused. The safety benefits of having a layup anchorage would have outweighed any potential losses, especially given the relatively small area involved (less than one-tenth square mile in St. Andrew Bay, and less than one-quarter square mile in Pensacola Bay).

Two commenters expressed concern with the effect on wildlife and aquatic life in the area. Given the small area involved, the type of vessels most likely to occupy the anchorages and the permit requirement, the Coast Guard does not believe that there would have been any adverse effect on the flora or fauna of the area.

One commenter expressed concern over the "general negative impact to the natural environment" that the Pensacola Anchorage could have but did not specify what the concerns were.

One commenter initially supported the Pensacola Anchorage indicating that positive economic benefits would accrue. This commenter later reversed position, and indicated that there would be no economic benefit.

NOAA commented that the coordinates as published for the anchorages did not make perfect rectangles. They provided corrected

coordinates for one point at each anchorage to make a perfect rectangle.

The Coast Guard has decided to withdraw the St. Andrew Bay proposed anchorage because of its proximity to an aquatic preserve, the aesthetic consideration, and the potential problems with wave shadow.

The Coast Guard does not believe that the Pensacola Bay Anchorage would have had any significant negative effects. However, because the original requesters have withdrawn their requests, and most importantly, there is no longer a demonstrated need for the anchorage at this time, the Coast Guard is withdrawing the proposed regulation. The Coast Guard has determined that at this time, establishment of the Pensacola Bay Anchorage is not required by the maritime or commercial interests of the United States for safe navigation.

Dated: June 25, 1984.

W.H. Stewart,

Rear Admiral, U.S. Coast Guard Commander,
Eighth Coast Guard District.

[FR Doc. 84-17334 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD7-84-21]

Drawbridge Operation Regulations: Savannah River, South Carolina

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Seaboard System Railroad, the Coast Guard is considering a change to the regulations governing the railroad bridge near Hardeeville, South Carolina by requiring that advance notice of openings be given. This proposal is being made because of a steady decrease in requests for opening the draw. The action should relieve the bridge owner of the burden of having someone constantly available to open the draw and should still provide for the reasonable needs of navigation.

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

ADDRESS: Comments should be mailed to Commander (oan), Seventh Coast Guard District, 51 SW 1st Avenue, Miami, FL, 33130. The comments and other materials referenced in this notice will be available for inspection and copying at 51 SW 1st Avenue, Room 816, Miami, Florida. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT:

Mr. Walt Paskowsky, Bridge Administration Specialist, telephone (305) 350-4108.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope. The Commander, Seventh Coast Guard district, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Bridge Administration Specialist, Mr. Walt Paskowsky, project officer and Lieutenant Commander Ken Gray, project attorney.

Discussion of Proposed Regulations

The drawbridge is presently tended by a full time bridgetender who leaves the draw in the last manipulated position. Twelve scheduled trains cross the bridge daily. The bridge was opened 33 times in 1983 for the passage of vessels for an average of once every 11 days which is not considered justification for maintaining constant bridgetender service.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The major commercial user of the waterway, Koch Fuels, which transported petroleum products from Savannah to Augusta, ceased operations on the waterway in April 1981.

Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by amending § 117.371 by reserving paragraph (a); redesignating paragraphs (a) and (b) as paragraphs (c) and (d) without change and adding a new paragraph (b) immediately after (a) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.371 Savannah River

(a) [Reserved]

(b) The draw of the Seaboard System Railroad bridge, mile 27.4, near Hardeeville, South Carolina. The draw shall open on a signal if at least three hours advance notice is given. Radiotelephone communication will be maintained at the railroad's chief dispatcher's office in Savannah.

[33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3)]

Dated: June 13, 1984.

A.D. Breed,

Captain, U.S. Coast Guard, Commander,
Seventh Coast Guard District, Acting.

[FR Doc. 84-17253 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD7-84-23]

Drawbridge Operation Regulations: AIWW Florida

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Town of Jupiter, the Coast Guard is considering a change to the regulations governing the State Road 706, Indiantown Road drawbridge, mile 1006.2, Palm Beach County by permitting the number of openings to be limited during certain periods. This proposal is being made because periods of peak vehicular traffic have increased. This action should accommodate the needs of vehicular traffic and should still provide for the reasonable needs of navigation.

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

ADDRESS: Comments should be mailed to Commander (oan), Seventh Coast Guard District, 51 SW 1st Avenue, Miami Florida 33130. The comments and other materials referenced in this notice

will be available for inspection and copying at 51 SW 1st Avenue, Room 816, Miami, Florida. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Bridge Administration Specialist, telephone (305) 350-4108.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Bridge Administration Specialist, Mr. Walt Paskowsky, project officer, and Lieutenant Commander Ken Gray, project attorney.

Discussion of Proposed Regulations

Vehicular traffic across the bridge is light in summer and moderate in winter with an average daily vehicular traffic count of 8450 vehicles, from 7:00 a.m. to 6:00 p.m., in the summer and 9700 vehicles in the winter. The bridge which presently is required to open on signal at all times is opened infrequently during the summer and early autumn months, but has an increase in openings during the late winter and spring months reflecting the seasonal migration of vessels to and from southern waters. Accordingly, we propose to place the bridge on timed openings during the winter and spring months, since this is the period when the bridge openings have the greatest impact on vehicular traffic. The proposed rule will provide for three draw openings per hour, if necessary, which is about the same number that actually occurred in 1983. This schedule should provide for the needs of navigation while eliminating multiple, back to back, openings which

are a source of vehicular traffic congestion.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary since the proposed rule will exempt tugs with tows and regularly scheduled cruise vessels. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Lists of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by redesignating paragraph (i) of § 117.261 as (i)(1) and adding a new paragraph (i)(2) immediately after (i)(1) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Miami.

* * * * *

(i)(2) AIWW, State Road 706, Indiantown Road, Jupiter, Palm Beach County, Florida.

From 1 November through 30 April, from 7:00 a.m. to 6:00 p.m., the draw need not open except on the hour, 20 minutes after the hour, and 40 minutes after the hour to pass all accumulated vessels. At all other times, the draw shall open on signal. Public vessels of the United States, tugs with tows, cruise vessels operated on a regular schedule, and vessels in distress shall be passed at any time.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: June 13, 1984.

A. D. Breed,

Captain, U.S. Coast Guard, Chief of Staff, Seventh Coast Guard District.

[FR Doc. 84-17254 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 21

Dependents' Educational Assistance; Entitlement

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: These regulations address an eligible person's entitlement to dependents' educational assistance. They update terminology and cross references. There are no policy changes in this proposal.

DATES: Comments must be received on or before July 27, 1984. It is proposed to make these regulations effective the date of final approval.

ADDRESSES: Send written comments to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until August 6, 1984. Anyone visiting VA Central Office in Washington, D.C. for the purpose of inspecting any of these comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

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

SUPPLEMENTARY INFORMATION: Section 21.3044, Title 38, Code of Federal Regulations is amended update to show that people who have been rehabilitated to the point of employability receive employment adjustment allowance, not subsistence allowance. Section 21.3045, Title 38, Code of Federal Regulations is amended to show which paragraphs of 38 CFR 21.1045 apply to someone receiving dependents' educational assistance.

The VA has determined that these proposed regulations are not major rules as that term is defined by Executive Order 12291, entitled "Federal Regulation". The proposal will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity,

innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

This certification can be made because entitlement affects only payments made directly to individuals. This proposal addresses calculation of entitlement. Furthermore, the changes are technical in nature, and should have a small impact.

The Catalog of Federal Domestic Assistance number for the program affected by this regulations is 64.117.

List of Subjects in 38 CFR Part 21

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

Approved: June 12, 1984.

By direction of the Administrator:

Everett Alvarez, Jr.,
Deputy Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

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

1. Section 21.3044 is revised as follows:

§ 21.3044 Entitlement.

(a) *Limitations on entitlement.* Each eligible person is entitled to educational assistance not in excess of 45 months, or the equivalent thereof in part-time training. The Veterans Administration will not authorize an extension of entitlement except as provided in paragraph (c) of this section. The period of entitlement when added to education or training received under any or all of the laws cited in § 21.4020 will not exceed 48 months of full-time educational assistance. The period of entitlement will not be reduced by any period during which employment adjustment allowance was paid after the eligible person completes a period of rehabilitation and reaches a point of employability. (38 U.S.C. 1711(a))

(b) *Continuous pursuit is not required.* The 45-month period of entitlement is

any 45 months within the period of eligibility. The eligible person is not required to pursue his or her program for 45 consecutive months. (38 U.S.C. 1711(a))

(c) *Exceeding the 45 months limitation.* The 45 months limitation may be exceeded only in the following cases:

(1) Where no charge against the entitlement is made based on a course or courses pursued by a spouse or surviving spouse under the special assistance for the educationally disadvantaged program (See § 1.237(d)); or

(2) Where special restorative training authorized under § 21.3300 exceeds 45 months. (38 U.S.C. 1741(b), 1733(b))

2. Section 21.3045 is revised as follows:

§ 21.3045 Entitlement charges.

Charges against the period of entitlement of an eligible person pursuing a program of education will be made in accordance with § 21.1045 (a) through (d) and (f) through (k). (38 U.S.C. 1661, 1677(b), 1682(e), 1691, 1712, 1733, 1786(a), 1787)

[FR Doc. 84-17063 Filed 6-27-84; 8:45 am]
BILLING CODE 8320-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 218 and 225

[FRA Docket No. RSOR-6, Notice No. 4]

Control of Alcohol and Drug Use in Railroad Operations; Notice of Proposed Rulemaking

Correction

In FR Doc. 84-15479 beginning on page 24252 in the issue of Tuesday, June 12, 1984, make the following corrections:

1. On page 24252, second column, in "FOR FURTHER INFORMATION CONTACT:", first line, "Assistance" should have read "Assistant".

2. On the same page, third column, ninth line from the bottom, "48 FR 4590" should have read "48 FR 44590".

3. On page 24253, first column, first complete paragraph, last line, "thems" should have read "themes".

4. On the same page, third column, second complete paragraph, fourth line from the bottom, "report" should have read "reports".

5. On page 24268, third column, fifth line from the bottom, "delivery" should have read "delivering".

6. On page 24273, first column, second complete paragraph, fourth line, "inpaired" should have read "impaired".

7. On page 24279, second column, fifth line, "sereens" should have read "screens".

8. On the same page, same column, second complete paragraph, last line, "slcohol" should have read "alcohol".

9. On page 24280, second column, seventh line from the bottom, "th" should have read "the".

10. On page 24282, first column, fourth complete paragraph, ninth line, "and" should have read "an".

11. On the same page, same column, sixth line from the bottom, "emergency" should have read "emergence".

12. On page 24283, first column, third complete paragraph, second line from the bottom, "consequence" should have read "consequences".

13. On page 24284, third column, second line, "from" should have read "for".

14. On page 24289, second column, fourth paragraph, seventh line, "inpaired" should have read "impaired".

15. On the same page, third column, second paragraph, second line from the bottom, "oprational" should have read "operational".

16. On page 24292, first column, second complete paragraph, eighteenth line, "intern" should have read "intent".

17. On page 24297, third column, twenty-one lines from the bottom, "are" should have read "and".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine *Astragalus Humillimus* (Mancos milk-vetch) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list a plant, *Astragalus humillimus* (Mancos milk-vetch), as an endangered species under the authority contained in the Endangered Species Act of 1973, as amended. *Astragalus humillimus* is presently known from three populations west of Waterflow, New Mexico (San Juan County). The Mancos milk-vetch was also collected in Montezuma County, Colorado, in 1875; however, the species has not been recollected there since that time.

This species is vulnerable due to a low number of plants, restricted

distribution, a low tolerance for disturbance, and close proximity to powerline corridors, roads, and oil wells. A final determination of *Astragalus humillimus* to be an endangered species will implement the protection provided by the Endangered Species Act of 1973, as amended. Critical habitat is not being proposed at this time. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by August 27, 1984. Public hearing requests must be received by August 13, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the Service's Regional Office of Endangered Species, 421 Gold Avenue, S.W., Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Dr. Russell L. Kologiski, Botanist, Region 2 Endangered Species staff (See ADDRESSES above) (505/766-3972).

SUPPLEMENTARY INFORMATION:
Background

Astragalus humillimus Gray ex Brandegee is in the pea family. The species was collected once by Brandegee in 1875 and was described by Asa Gray in 1876. Kuntze named this plant *Tragacantha humillima* in 1891. Rydberg changed the name to *Phaca humillima* (1905), and Barneby placed it in the genus *Astragalus* in 1964 (Barneby, 1964; Knight, 1981).

Astragalus humillimus has short stems measuring 0.5 to 1 centimeter tall. It is a perennial species with compound leaves (having many leaflets) measuring 8 to 15 millimeters long. The leaflets are pubescent, 0.7 to 2 millimeters long, light green, and oval shaped. The flowers are lavender with white veins, are about 1 centimeter long, and have a sweet pungent smell. The fruit is an oblong pod about 5 millimeters long. This species grows in low, tufted mats 31-45 centimeters in diameter. These clumps are often covered with butterflies, and *Vanessa cardui* (painted lady butterfly) has been identified as a pollinator of *Astragalus humillimus* (Knight, pers. comm. 1983). Flowering occurs only for a short time, between late April and early May. Most fruits have ripened by early June.

Astragalus humillimus is known only from a ridge west of Waterflow, New Mexico. The 3 known populations occur

on Navajo Indian Reservation land and contain approximately 7,000 plants. The plants are restricted to Point Lookout sandstone, a tan cretaceous sandstone of the Mesa Verde series, at an elevation of 1,545 to 1,645 meters. The *Astragalus* forms rings in depressed pockets of sandy soil. Two of the populations are on Point Lookout sandstone mesas and one is on island outcrops of Point Lookout sandstone. Dominant associated plants are *Oryzopsis hymenoides*, *Gutierrezia sarothrae*, *Yucca angustissima*, and *Artemisia tridentata*. The plants occur in the vicinity of utility corridors, drilling pads, oil wells, pipelines, and roads; additional construction and maintenance of these could destroy or severely impact the populations.

Astragalus humillimus was first collected in 1875 in Montezuma County, Colorado, but the type population has never been relocated. The first Federal action involving *Astragalus humillimus* was on June 16, 1976, when the Service published a proposed rule in the Federal Register (41 FR 24524) to determine approximately 1,700 vascular plant species to be endangered pursuant to Section 4 of the Act. *Astragalus humillimus* was included in the June 16, 1976, proposal. General comments received in relation to the 1976 proposal were summarized in the April 26, 1978, Federal Register (43 FR 17910).

The Endangered Species Act amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice of withdrawal of the June 16, 1976, proposal, along with four other proposals which had expired (44 FR 70796).

Astragalus humillimus was included as a category 1 species in a list of plants under review for threatened or endangered classification published in the December 15, 1980, Federal Register (42 FR 82480). Category 1 is comprised of taxa for which the Service presently has sufficient biological information to support their being listed as endangered or threatened species. The Endangered Species Act Amendments of 1982 required that all petitions pending as of October 13, 1982 be treated as having been newly submitted on that date. The species listed in the December 15, 1980, notice of review were considered to have been petitioned, and the deadline for a finding on those species, including *Astragalus humillimus*, was October 13, 1983.

On October 13, 1983, the petition finding was made that listing *Astragalus humillimus* was warranted but

precluded by other pending listing actions, in accordance with Section 4(b)(3)(B)(iii) of the Act; notification of the finding was published in the January 20, 1984, Federal Register (49 FR 2485). Such a finding requires a recycling of the petition, pursuant to Section 4(b)(3)(C)(i) of the Act. Therefore, a new finding must be made; this proposed rule constitutes the finding that the petitioned action is warranted and proposes to implement the action in accordance with Section 4(b)(3)(B)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provision of the Act (codified at 50 CFR Part 424; under revision to accommodate the 1982 amendments) set forth the procedures for adding species to the Federal list. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors and their application to *Astragalus humillimus* Gray ex Brandegee (Mancos milk-vetch) are follows:

A. The Present or Threatened Destruction, Modification or Curtailment of its Habitat or Range

Astragalus humillimus was collected in 1875 in Montezuma County, Colorado, near Mancos Canyon; however, it has not been collected there since 1875. Rupert O. Barneby, the authority on *Astragalus*, has searched for the species in the Four Corners area and was unable to locate the type locality or any other populations of the plant. William C. Weber and S. L. Welsh also conducted extensive searches for this species (Knight, 1981).

Astragalus humillimus had not been seen or collected since 1875 when Betty Kramp collected it on the Hogback in 1980. Paul Knight surveyed similar habitat from Mancos Canyon, Colorado, south to the southern end of the Hogback. He discovered two more populations north of Kramp's population. The plant is restricted to the Point Lookout sandstone, although it is not known what chemical or physical properties of this substrate the species is responding to (Knight, pers. Comm. 1983).

Presently, *Astragalus humillimus* occurs along a 10-mile section of the Hogback, west of Waterflow, New Mexico. The Northernmost population is the largest with approximately 5,000 plants. The species is located on an

extensive mesa top of Point Lookout sandstone in an area being actively explored and drilled for energy-related minerals. The estimated acreage of this population is approximately 21 acres. The Navajo Indian Tribe owns the land and the surface rights to it; the leasable mineral rights are privately owned. The population is situated in an oil field and is flanked on three sides by active oil wells. The number of roads, oil wells, and pipelines is increasing. The entire area is dissected by an unorganized assemblage of roads associated with the oil development.

A second population occurs on the west side of the Hogback about 2 miles south of the first population. There are approximately 1,000 plants scattered throughout this population, which is situated on island outcrops of Point Lookout sandstone. This population is bisected by the Glen Canyon-Shiprock 230kV and the Curicanti-Shiprock 230kV transmission lines which were constructed in 1962 and 1963, respectively. The U.S. Bureau of Reclamation contracted the construction of both lines and transferred ownership, operation, and maintenance responsibilities to Western Area Power Administration in 1977 when the Department of Energy was organized (Gabiola, pers. comm. 1983).

During construction of these two transmission lines, the National Environmental Policy Act (NEPA) was not in effect, and impacts to the environment were mitigated only as deemed prudent during construction (Gabiola, pers. comm. 1983). *Astragalus humillimus* is a very localized species and it does not tolerate disturbance very well. The land directly under the powerline towers was extensively disturbed during the original construction, and in the 20 years since, the plant has not repopulated the disturbed areas of suitable habitat.

The plants underneath the powerline have been driven over by either maintenance vehicles or off-road recreational vehicles. The damage caused by the vehicles is not yet extensive, but could become so in the future. An uprate of the transmission line is scheduled to be in service by 1987. This would involve the addition of two more legs for each tower along the line and reconducting of the entire line. Work will probably begin in 1985 (McBride, pers. comm. 1983). The Western Area Power Administration is aware of the presence of *Astragalus humillimus* in the right-of-way and is considering the species in its planning process.

The land is owned by the Navajo Indian Tribe. The Bureau of Land

Management (BLM) is the managing agency and is leasing the mineral estate. At present, there are no existing oil wells.

The smallest population of *Astragalus humillimus* is on the east side of the Hogback south of Highway 550. This population occurs on sandstone ledges on the Navajo Reservation. Some of the mineral rights in the area in which this population occurs are under the jurisdiction of the BLM; however, there are currently no oil wells in the area. It is possible that the area will be explored within the next year prior to the expiration date of the leases that have been granted by BLM.

The Bureau of Land Management must be notified before exploration, drilling, or construction occurs on lands leased by them. Most of the land around the *Astragalus* populations is leased; thus, the possibility of future exploration and drilling is high (Knight, 1981 and pers. comm. 1983; Moore, pers. comm. 1983).

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Astragalus humillimus is not currently sought for commercial, recreational or educational purposes. However, it is sought for scientific purposes. This species has eluded the repeated searches of many botanists and there are very few good specimens in herbaria throughout the country. The species' existence is very vulnerable because of the low number of plants and any taking would be detrimental to the populations. The plants are easily accessible by road to takers and vandals.

C. Disease or Predation

There is no evidence that disease, predation, or grazing have adverse impacts on *Astragalus humillimus*. Sheep are grazed in the vicinity of two of the populations, but grazing of the plants themselves probably does not occur because of the spinescent nature of the petioles (Knight, pers. comm. 1983).

D. The Inadequacy of Existing Regulatory Mechanisms

Astragalus humillimus is not protected by Federal law or New Mexico law. A permit, however, is needed from the Navajo Tribe for plant study or collection on the Reservation. Tribal protection is not enough to ensure survival since it offers no habitat protection.

E. Other Natural or Manmade Factors Affecting its Continued Existence

The low number of plants in only three known populations increases the possibility that one catastrophic disturbance could destroy a significant portion of the species. The disturbance could result from natural or manmade causes, such as a construction project (Knight, 1981).

The proposed action has been chosen after the careful assessment of the best scientific and commercial information available, as well as the best assessment of past, present, and future threats faced by this species. Based on this evaluation, the proposed action is to list *Astragalus humillimus* as endangered without critical habitat. Endangered status seems appropriate because there are only three populations of this species and they exist in an area being developed intensively for energy resources (Knight, pers. comm. 1983). Also, *Astragalus humillimus* is not afforded any protection from the State of New Mexico. Not to propose *Astragalus humillimus* is unacceptable because of the low number of plants and the threats to its existence; threatened status does not sufficiently emphasize the situation of this species. Therefore, no action or listing as threatened would be a violation of the Act's intent.

Critical Habitat

The Endangered Species Act in section 4(a)(3), as amended, requires that to the maximum extent prudent and determinable the Secretary must designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The designation of critical habitat is not considered to be prudent when such designation would not be of net benefit to the species involved. In the present case, the Service finds that designation of critical habitat is not prudent because no benefit to the species can be identified that would outweigh the threats of taking or vandalism that might be exacerbated by the required publication of detailed critical habitat maps. The Navajo Indian Tribe, BLM, and the Western Power Administration have been informed of this proposed action, are aware of the locations of the populations, have acknowledged the threats to the Mancos milk-vetch, and are actively considering the species during planning. Therefore, no further benefits would accrue to *Astragalus humillimus* by critical habitat designation. Because of the low number of plants, the easily accessible

populations, and the scientific curiosity regarding *Astragalus humillimus*, it would be detrimental to the species to publish critical habitat maps.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by other Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species following listing. The protection required by Federal agencies, and the taking prohibitions are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29989; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species. If this listing is published as a final rule, section 7 would require Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of *Astragalus humillimus*. If an effect is expected, the responsible Federal agency must enter into consultation with the Service.

Astragalus humillimus is known to occur only on Navajo Indian Reservation lands. Known Federal activities that may be affected by this proposal are maintenance of existing transmission lines and authorization of the planned uprate of the existing 230 kV transmission lines by the Western Area Power Administration, Department of Energy. The Bureau of Land Management controls leasing of minerals in much of the area and such activities would be subject to section 7 consultation.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions which apply to all endangered plant species. With respect to *Astragalus humillimus*, all trade prohibitions of section 9(a)(2) of the Act, as implemented by § 17.61,

would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. International and interstate commerce in *Astragalus humillimus* is not known to exist. It is anticipated that few trade permits would ever be sought or issued, since this plant is not common in cultivation or in the wild.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unlawful to remove and reduce to possession endangered plant species from areas under Federal jurisdiction. This prohibition would apply to *Astragalus humillimus*. Permits for exceptions to this prohibition are available through section 10(a) of the Act, until revised regulations are promulgated to incorporate the 1982 amendments. Proposed regulations implementing this prohibition were published July 8, 1983 (48 FR 31417) and these will be finalized following public comment. *Astragalus humillimus* is known only from the Navajo Indian Reservation. It is anticipated that few taking permits for the species will ever be requested.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

If this species is listed under the Act, the Service will review it to determine whether it should be considered for placement upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through section 8A(e) of the Act, and whether it should be considered for other appropriate international agreements.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of each endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party

concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to *Astragalus humillimus*;

(2) The location of any additional populations of *Astragalus humillimus* and the reasons why any habitat of this species should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and their possible impacts on *Astragalus humillimus*.

Final promulgation of the regulation on *Astragalus humillimus* will take into consideration the comments and any additional information received by the Service, and such communications may lead to the adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

References

- Barneby, R. C. 1964. *Atlas of North American Astragalus*. Memoirs of the New York Botanical Garden. Vol 13. Part II.
- Knight, P. J. 1981. Rare, Threatened, endangered, and other plants of concern in the BLM Chaco-San Juan Planning area of northwestern New Mexico. Department of Natural Resources, Heritage Program, Santa Fe, New Mexico.
- Rydberg, 1905. *Astragalus* and its segregates in Colorado. *Bulletin of the Torrey Botanical Club*. 32: 657-665.

Authors

The primary authors of this proposed rule are Sandra Limerick and Margaret Olwell, Endangered Species staff, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766-3972). The editor is E. LaVerne

Smith, Office of Endangered Species,
U.S. Fish and Wildlife Service,
Washington, D.C. 20240 (703/235-1975).
Status information was provided by Mr.
P. J. Knight, New Mexico Department of
Natural Resources, Heritage Program,
Santa Fe, New Mexico 87501.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife,
Fish, Marine mammals, Plants
(agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to
amend Part 17, Subchapter B of Chapter
I, Title 50 of the Code of Federal
Regulations, as set forth below:

1. The authority citation for part 17
reads as follows:

Authority: Pub. L. 93-205, 87 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 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend Section
17.12(h) by adding the following, in
alphabetical order, under the family
Fabaceae, to the List of Endangered and
Threatened Plants.

§ 17.12 Endangered and threatened plants.

* * * * *
(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Fabaceae—Pea family.						
<i>Astragalus humillimus</i>	Mancos milk-vetch	U.S.A. (NM, CO)	E		NA	NA

Dated: June 7, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and
Parks.

[FR Doc. 84-17181 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 49, No. 126

Thursday, June 28, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Meat Import Limitations; Third Quarterly Estimate

Pub. L. 88-482, enacted August 22, 1964, as amended by Pub. L. 96-177 (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lamb, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62), which may be imported into the United States in any calendar year. Such limitations are to be imposed when the Secretary of Agriculture estimates that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated aggregate quantity of meat articles prescribed for calendar year 1984 by subsection 2(c) as adjusted under subsection 2(d) of the Act.

As published on December 30, 1983 (48 FR 57576), the estimated aggregate quantity of meat articles prescribed by subsection 2(c), as adjusted by subsection 2(d) of the Act for calendar year 1984, is 1,117 million pounds.

In accordance with the requirements of the Act, I have determined that the third quarterly estimate for 1984 of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1984, is 1,190 million pounds.

Done at Washington, D.C., this 25th day of June, 1984.

John R. Block,
Secretary.

[FR Doc. 84-17217 Filed 6-27-84; 8:45 am]

BILLING CODE 3410-10-M

Agricultural Marketing Service

[Marketing Agreement 146]

Budget of Expenses of Administrative Committee and Rate of Assessment for the 1984 Year

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 FR 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1984 and for the crop year beginning July 1, 1984, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1984, shall be in the amount of \$663,600, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1984 Crop Peanuts, effective July 1, 1984, are estimated at, but may exceed \$3.5 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with section 48 of the marketing agreement, an assessment at the rate of \$2.17 per net ton of farmers stock peanuts received or acquired other than those described in § 31 (c) and (d) (\$0.42 for administrative expenses and \$1.75 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to § 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the \$1.75 rate and not expended in providing indemnification on the 1984 crop peanuts shall be kept in such reserve and shall be available to pay indemnification expenses on subsequent crops.

This action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified a "non-major" rule under criteria contained therein.

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.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments; they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: June 22, 1984.

Thomas R. Clark,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 84-17206 Filed 6-27-84; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

African Food Assistance Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: The Commodity Credit Corporation (CCC) announces that it will issue Invitations for Offers for the purchase by the U.S. private trade from CCC of wheat, corn and rice for export to certain African countries to meet emergency food requirements.

DATE: Invitations for Offers will be issued no later than August 31, 1984.

ADDRESS: Copies of Invitations for Offers and CCC Announcement No. KC-AAP-1 may be obtained from the Kansas City ASCS Commodity Office, P.O. Box 205, Kansas City, Missouri 64141. Phone (816) 926-6421. Offers by

the U.S. private trade to purchase the CCC commodities must be submitted to the same address.

Comments may be submitted to the General Sales Manager, Foreign Agricultural Service or to the Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Lawrence D. Fuell (202) 382-9241,
Lawrence D. Ackland (202) 447-3995.

SUPPLEMENTARY INFORMATION: Pub. L. 98-248, 98 Stat. 115, March 30, 1984, directed CCC to make available commodities from its inventory, in an amount not to exceed \$90,000,000, for sale on a competitive bid basis or barter to African countries requiring emergency food assistance or any country for use in assisting in emergency food assistance in Africa. CCC will furnish wheat, corn, and rice from its stocks on a competitive bid basis to the U.S. private trade which will be required to export or cause the exportation to eligible African destinations of (1) the identical commodity purchased, (2) free market stocks of the same kind and equivalent quantity of the commodity purchased, (3) a product produced from the identical commodity purchased from CCC or from free market stocks of the same kind and equivalent quantity of the commodities purchased or (4) a combination of the foregoing.

Details of the program procedures are contained in CCC Announcement No. KC-AAP-1 and applicable Invitations for Offers. Generally, the Invitation for Offers will set forth the eligible African country destinations and the kinds of commodities eligible for sale to such country. Offerors will be required to submit two prices for each lot designated in the Invitation for Offers. One price to CCC will reflect shipment on U.S. flag vessels and one price will reflect shipment on foreign flag vessels.

At least 50 percent of the quantity of all commodities exported as a result of purchases from CCC under each Invitation for Offers will be exported on U.S. flag vessels to the extent such vessels are available at fair and reasonable rates. CCC will accept offers which are the most advantageous to CCC, giving consideration to, among other factors, the kind and location of the commodity, the return to CCC and the requirement for shipment on U.S. flag vessels.

The total quantity of wheat, corn, and rice available for purchase under the program will not exceed a value of \$90,000,000 as determined by CCC's acquisition cost.

Offerors need not be the entity which makes a sale to a buyer in an eligible country and exports the commodity but, in any event, the offeror will be held solely responsible to CCC for any failure to meet the export requirements provided in Announcement No. KC-AAP-1.

CCC invites the public to comment on this system and to propose alternative systems at any time during the course of this program.

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

Melvin E. Sims,

General Sales Manager and Vice President,
Commodity Credit Corporation

[FR Doc. 84-17236 Filed 6-27-84; 8:45 am]

BILLING CODE 3410-10-M

Forest Service

**Rights-of-Way Authorizations;
Proposed Fee Policy Changes**

AGENCY: Forest Service, USDA.

ACTION: Extension of public comment period on proposed policy.

SUMMARY: On April 20, 1984, at 49 FR 16823, the Forest Service published a proposed policy on changes in determining fees for rights-of-way authorizations. The comment period was to expire on June 19. Several interested parties have requested additional time in order to coordinate their responses on the Forest Service proposal with those being presented to the Bureau of Land Management, U.S. Department of Interior on the same subject. Therefore, the Forest Service is extending the public comment period on proposed right-of-way fee policies until July 3, 1984.

DATES: Public comments must be received on or before July 3, 1984.

ADDRESS: Comments may be mailed to R. Max Peterson, Chief (2720) Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: William C. Wakefield, Forest Service, Lands Staff, (703) 235-2594 or Ruben M. Williams, Forest Service, Lands Staff, (703) 235-2412.

Dated: June 20, 1984.

F. Dale Robertson,
Associate Chief.

[FR Doc. 84-17209 Filed 6-27-84; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

**Air America, Inc., et al. Enforcement
Proceeding, Assignment of
Proceeding**

[Docket 42294]

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated Washington, D.C. June 25, 1984.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 84-17268 Filed 6-27-84; 8:45 am]

BILLING CODE 6320-01-M

[Order 84-6-74]

**Tokyu World Transport (USA), Inc.;
Order To Show Cause**

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order To Show Cause: Order 84-6-74.

SUMMARY: The Board proposes to deny authority to operate as a foreign freight forwarder in interstate and overseas air transportation to Tokyu World Transport (USA), Inc., a Japanese air freight forwarder, because the Government of Japan does not allow U.S. citizens to obtain like authority in that country. The foreign air transportation portion of the applicant's registration was granted on March 19, 1984, and continues in effect.

Objections

All interested persons having objections to the Board's tentative findings and conclusions as described in the order cited above, shall, no later than July 19, 1984, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, to the Ambassador of Japan in Washington, D.C., and to the Departments of State and Transportation.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board may enter an order which would make final the Board's tentative findings and conclusions and deny the requested foreign freight forwarder registration to the applicant.

Addresses for Objections

Docket 42304, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

Hiroshi Kimura, Tokyu World Transport (USA), Inc., 9111 South LaCienega Blvd., Suite 201, Inglewood, California 90301

To obtain a copy of the complete order, contact the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:
Dean L. Johnson, (202) 673-5134,
Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 25, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-17267 Filed 6-27-84; 8:45 am]
BILLING CODE 6320-01-M

Announcement of Proposed Collection of Information Under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35)

Agency clearance officer from whom a copy of the collection of information and supporting documents is available: Robin A. Caldwell (202) 673-5922.

Extension

Title of the Collection of Information:
Report of Aircraft Operating Expenses and Related Statistics

Agency Form Number: None

How Often the Collection of Information Must Be Filed: Quarterly

Who is Asked or Required to Report: Small Certificated Carriers

Estimate of Number of Annual Responses: 176

Estimate of Number of Annual Hours Needed to Complete the Collection of Information: 352

Dated: June 20, 1984.

Robin A. Caldwell,
Chief, Information Management Division,
Office of Comptroller.

[FR Doc. 84-17260 Filed 6-27-84; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

(Case No. 611)

Hiroshi Minabe; Order Denying Export Privileges

The U.S. Department of Commerce (the "Department") initiated a proceeding against Mr. Hiroshi Minabe,

5-1, Kita-Aoyama 2-chome, Minato-ku, Tokyo, Japan, respondent, through the service on him March 25, 1981 of a charging letter signed by the Director of the Department's Office of Export Administration. Minabe was charged with violating the Export Administration Act of 1969, as amended (50 U.S.C. app. 2401, *et seq.* (1976)) (the "Act") and the Export Administration Regulations (currently codified at 15 CFR Parts 368-399 (1983)) (the "Regulations") by reexporting three U.S.-origin video recorders to Cuba without the required U.S. authorization.

Minabe answered the charging letter; and the Department moved for a decision on the record, both parties having waived the right to a hearing. After the Department's motion was granted, it moved for implementation of the order granting the motion, and that motion also was granted. The undersigned Hearing Commissioner has now considered the evidence, and my findings are set forth below.

During 1975-76, Minabe was an employee of Ataka & Co., Ltd. ("Ataka"). In 1975 Ataka had a contract to buy from Toshiba Ampex Company, Ltd. ("TOAMCO") three U.S.-origin video recorders for reexport to Cuba. A U.S. authorization was required for this proposed reexport, and it was applied for in September 1975. In November 1975 TOAMCO was notified that the Department's Office of Export Administration had denied the application. Ataka and TOAMCO rescinded their contract; and in early 1976 TOAMCO instead sold the three video recorders, one each, to three other companies, two of which then sold their recorders to the third, which then sold all three to Ataka. Minabe subsequently engaged in Ataka's reexport of the three recorders to Cuba.

The evidence indicates that Minabe was aware of the U.S. requirement for, and of the U.S. denial of, an authorization for the reexport of these recorders to Cuba. The evidence further indicates that Minabe knowingly participated in the arrangement whereby, after such denial, transfer of the three recorders from TOAMCO to Ataka was accomplished by their sale through three intermediary companies, and that Minabe then actively engaged in Ataka's reexport of them to Cuba.

Based on the foregoing, I find that Minabe knowingly acted to cause, aid, and abet this reexport, and knowingly engaged in the reexport, in violation of the Act and the Regulations. I find that an Order denying export privileges to Mr. Hiroshi Minabe for a period ending June 21, 1989 is reasonably necessary to protect the public interest and to

achieve effective enforcement of the Act and the Regulations.

Therefore, pursuant to the authority delegated to me under Part 388 of the Regulations, it is

Ordered

I. All outstanding export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, in whole or in part, or which are otherwise subject to the Export Administration Act and the Regulations. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent but also to his agents, employees, representatives, and partners, and to organizations with which he is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations, with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or

whereby the respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for said respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. This order shall remain in effect against Mr. Hiroshi Soejima for a period ending June 21, 1989.

This Order is effective immediately.

Dated: June 22, 1984; 3:15 pm E.D.T.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 84-17229 Filed 6-27-84; 8:45 am]

BILLING CODE 3510-DT-M

[Case No. 612]

Saburo Soejima; Order Denying Export Privileges

The U.S. Department of Commerce (the "Department") initiated a proceeding against Mr. Saburo Soejima, 8-3 Miyamoto-cho, Kawasaki-ku, Kawasaki, Japan, respondent, through the service on him March 4, 1981 of a charging letter signed by the Director of the Department's Office of Export Administration. Soejima was charged with violating the Export Administration Act of 1969, as amended (50 U.S.C. app. 2401, *et seq.* (1976)) (the "Act") and the Export Administration Regulations (currently codified at 15 CFR Parts 368-399 (1983)) (the "Regulations") by knowingly acting to cause, aid, and abet a reexport of three U.S.-origin video recorders to Cuba without the required U.S. authorization.

Soejima answered the charging letter, and the Department moved for a decision on the record, both parties having waived the right to a hearing. After the Department's motion was granted, it moved for implementation of the order granting the motion, and that motion also was granted. The undersigned Hearing Commissioner has now considered the evidence, and my findings are set forth below.

During 1975-76, Soejima was marketing and sales manager for

Toshiba Ampex Company, Ltd. ("TOAMCO"). In 1975 TOAMCO had a contract to sell to Ataka & Co. Ltd. ("Ataka") three U.S.-origin video recorders for reexport to Cuba. A U.S. authorization was required for this proposed reexport, and it was applied for in September 1975. In November 1975 TOAMCO was notified that the Department's Office of Export Administration had denied the application. TOAMCO and Ataka rescinded their contract; and in early 1976 TOAMCO instead sold the three video recorders, one each, to three other companies, two of which then sold their recorders to the third, which then sold all three to Ataka. The three recorders were subsequently reexported to Cuba.

The evidence indicates that Soejima was aware of the U.S. requirement for, and of the U.S. denial of, authorization for the reexport of these recorders to Cuba. The evidence further indicates that Soejima knowingly participated in the arrangement whereby, after such denial, transfer of the three recorders from TOAMCO to Ataka was accomplished by their sale through three intermediary companies, thereby intentionally enabling Ataka to reexport the recorders to Cuba.

Based on the foregoing, I find that Soejima knowingly acted to cause, aid, and abet that reexport, in violation of the Act and the Regulations. I find that an Order denying export privileges to Mr. Saburo Soejima for a period ending June 21, 1989 is reasonably necessary to protect the public interest and to achieve effective enforcement of the Act and the Regulations.

Therefore, pursuant to the authority delegated to me under Part 388 of the Regulations, it is

Ordered

I. All outstanding export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, in whole or in part, or which are otherwise subject to the Export Administration Act and the Regulations. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any export

license application; (b) in the preparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent but also to his agents, employees, representatives, and partners, and to organizations with which he is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations, with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for said respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. This order shall remain in effect against Mr. Saburo Soejima for a period ending June 21, 1989.

This Order is effective immediately.

Dated: June 22, 1984, 3:15 pm E.D.T.

Thomas E. Hoya,
Hearing Commissioner.

[FR Doc. 84-17230 Filed 6-27-84; 8:45]

BILLING CODE 3410-DT-M

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance; RBS Fabrics, Ltd., et al.

Petitions have been accepted for filing from the following firms: (1) RBS Fabrics, Ltd., 149 Madison Avenue, New York, New York 10016, producer of fabrics (accepted April 26, 1984); (2) M. Smith Company, Inc., 2615 W. Hunting Park Avenue, Philadelphia, Pennsylvania 19129, producer of luggage (accepted May 1, 1984); (3) Habitant Corporation, P.O. Box 111, Bay City, Michigan 48706, producer of wood fence (accepted May 1, 1984); (4) New Jersey Tool and Die Company, Inc., 800 Colfax Avenue, Kenilworth, New Jersey 07033, producer of plastic injection molds (accepted May 2, 1984); (5) Amtech, Inc., 845 East 25th Street, Paterson, New Jersey 07513, producer of gear motors, turning gears and parts (accepted May 4, 1984); (6) Princeton Electronic Products, Inc., P.O. Box 101, North Brunswick, New Jersey 08902, producer of electronic terminals and component assemblies (accepted May 4, 1984); (7) Shieldalloy Corporation, West Boulevard, Newfield, New Jersey 08344, producer of ferroalloys and other metals (accepted May 7, 1984); (8) Kelsco Manufacturing Company, Inc., P.O. Box 5041, Alexandria, Louisiana 71301, producer of agricultural spraying equipment (accepted May 7, 1984); (9) Ladin Industries, Inc., P.O. Box 1936, Des Moines, Iowa 50309, producer of fabric (accepted May 7, 1984); (10) Dorson-Fleisher, Inc., P.O. Box 4250, Manchester, New Hampshire 03108, producer of women's footwear (accepted May 9, 1984); (11) LuPaul Industries, Inc., 503 East Biddle, Jackson, Michigan 49203, producer of tools and dies and automotive stampings (accepted May 9, 1984); (12) C. Ray Randall Manufacturing Company, 426 Mount Hope Street, North Attleboro, Massachusetts 02760, producer of jewelry and ornamental metal products (accepted May 9, 1984); (13) Ansari Abrasives Manufacturing Company, Inc., 4811 Dusharme Drive, Minneapolis, Minnesota 55429, producer of grinding wheels, abrasives and cutting tools (accepted May 9, 1984); (14) Addison Machine Engineering, Inc., 424 Interstate Road, Addison, Illinois 60101, producer of tube mill rolls (accepted May 9, 1984); (15) Brich-Rowe, Inc., P.O. Box 2024,

Carson City, Nevada 89701, producer of parts for milking machines (accepted May 9, 1984); (16) Inter Binding Company, Inc., 16015 W. 4th Avenue, Unit #3, Golden, Colorado 80401, producer of plastic notebook bindings (accepted May 9, 1984); (17) Spectron Instrument Corporation, 1342 West Cedar Avenue, Denver, Colorado 80223, producer of photographic and scientific test instruments (accepted May 9, 1984); (18) Ed Cholakian Enterprises, Inc., 12811 Foothill Boulevard, Sylmar, California 91342, producer of T-shirts, caps, wallets, key cases and decals (accepted May 10, 1984); (19) Executive Travelware, Inc., 900 Passaic Avenue, East Newark, New Jersey 07029, producer of luggage and tote bags (accepted May 10, 1984); (20) Polytech, Inc., 708 W. Madison, Owensville, Missouri 65066, producer of acrylic sheets (accepted May 10, 1984); (21) Jos. Dyson & Sons, Inc., 33300 Lakeland Boulevard, Eastlake, Ohio 44094, producer of forklift truck parts, fasteners and other forgings (accepted May 10, 1984); (22) F. Ronci Company, Inc., 1800 Smith Street, North Providence, Rhode Island 02911, producer of metal stampings, buckles, jewelry chain, footwear components and printing machine parts (accepted May 11, 1984); (23) P & B Manufacturing Company, 185 Jefferson Boulevard, Warwick, Rhode Island 02888, producer of jewelry (accepted May 11, 1984); (24) Seafoods West, Inc., P.O. Box 846, Vashon, Washington 98070, producer of seafood (accepted May 15, 1984); (25) Sano Design and Machine Company, Inc., 150 Dayton Avenue, Passaic, New Jersey 07055, producer of plastics processing equipment (accepted May 16, 1984); (26) Del-Rich Mushroom, Inc., P.O. Box 178, Avondale, Pennsylvania 19311, producer of mushrooms (accepted May 21, 1984); (27) Marine Safety Equipment Corporation, P.O. Box 465, Farmingdale, New Jersey 07727, producer of boats, davits and winches (accepted May 21, 1984); (28) Kessler Shoe Manufacturing Company, Inc., 191 Shaeffer Avenue, Westminster, Maryland 21157, producer of children's shoes (accepted May 21, 1984); (29) All American Toy Company, 420 West 1700 South, Salt Lake City, Utah 84115, producer of stuffed toys and puppets (accepted May 21, 1984); (30) Microwave Consultants and Manufacturers, Inc., 7501 I-30, Suite 30, Little Rock, Arkansas 72209, producer of antenna accessories (accepted May 22, 1984); (31) House of Rattan, Inc., Morton Grove, Illinois 60053, producer of rattan furniture (accepted May 22, 1984); (32) Loma Manufacturing Company, Inc., 107 South Main Street, Winchester,

Kentucky 40391, producer of women's blouse and dresses (accepted May 24, 1984); (33) Sponge Clean Products Company, Inc., 2201 74th Street, North Bergen, New Jersey 07047, producer of tablecovers, napkins and place mats (accepted May 25, 1984); (34) Garvey Corporation, Route 73, Blue Anchor, New Jersey 08037, producer of conveyor systems and fabricated metal parts (accepted May 25, 1984); (35) Dawson Steel, Inc., 2853 Cherry Avenue, Long Beach, California 90806, producer of steel castings (accepted May 25, 1984); (36) Century Heel Corporation, 1708 North Tyler Avenue, South El Monte, California 91733, producer of footwear components (accepted May 31, 1984); (37) Carolina Casuals, Inc., Route 6, Box 991, Georgetown, South Carolina 29440, producer of men's women's and children's apparel tops (accepted May 31, 1984); (38) Webco Forest Products, Inc., 16204 Williams Highway, Grants Pass, Oregon 97527, producer of softwood lumber (accepted June 1, 1984); (39) Marilyn Belts and Bags, Inc., 111 North Main Street, Ferris, Texas 75125, producer of handbags (accepted June 6, 1984); (40) Grano Steel Corporation, 14420 South Bloomfield Avenue, Santa Fe Springs, California 90670, producer of steel fabrications (accepted June 6, 1984); (41) Royal Sportswear Manufacturers, Inc., 459 West 15th Street, New York, New York 10011, producer of men's and boys' bathing suits (accepted June 6, 1984); (42) Versaponents, Inc., 226 North Fehr Way, North Bay Shore, New York 11746, producer of lighting fixtures and parts (accepted June 6, 1984); (43) Lenape Forge, Inc., 1280 Lenape Road, West Chester, Pennsylvania 19382, producer of steel and aluminum forgings (accepted June 7, 1984); (44) Jenkins Bros., 510 Main Street, Bridgeport, Connecticut 06601, producer of valves (accepted June 7, 1984); (45) Computer System Associates, Inc., 7562 Trade Street, San Diego, California 92121, producer of microcomputer systems (accepted June 8, 1984); (46) North American Ceramics, Inc., 666 Hawthorne, Glendale, California 91204, producer of ceramic giftware (accepted June 8, 1984); and (47) Solfa Shoe Products, Inc., 136 South Ann Street, Baltimore, Maryland 21231, producer of footwear components (accepted June 8, 1984).

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated

separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 84-17231 Filed 6-27-84; 8:45 am]

BILLING CODE 3510-DR-M

Decision on Application for Duty-Free Entry of Scientific Instrument; National Institute of Environmental Health Sciences

This decision is made pursuant to section 9(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 84-141. Applicant: National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709. Instrument: Tandem Double-Focusing Mass Spectrometer and Data System. Manufacturer: VG Analytical, United Kingdom. Intended use: See notice at 49 FR 14156.

Comments: none received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered (August 2, 1982).

Reasons: The foreign instrument provides a resolution of 100,000 (10% valley) and a mass range at full accelerating voltage of 1 to 3000 atomic mass units. The National Bureau of Standards advises in its memorandum dated June 21, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

We know of no other domestic instrument or apparatus of equivalent scientific value to the foreign instrument being manufactured at the time the foreign instrument was ordered.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-17232 Filed 6-27-84; 8:45 am]

BILLING CODE 3510-DS-M

Issuance of Export Trade Certificate of Review; Equinomics, Inc.

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review of Equinomics, Inc. ("Equinomics"). This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this certificate. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to the certificate as "Export Trade Certification of Review, application number 84-00013".

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202-377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of

1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595-10604 (March 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant;

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant; and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937-15940 (April 13, 1983).

Description of Certified Conduct

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from Equinomics on March 20, 1984. The application was deemed submitted on March 26, 1984. A summary of the application was published in the Federal Register on April 10, 1984 (49 FR 14160). Based on analysis of the information contained in the application and other information in their possession, the Department of Commerce has determined, and the

Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by Equinomics meet the four standards of the Act:

Export Trade

Products

The products that Equinomics intends to export or represent for export will be all-inclusive and limited only by the laws of the United States

Related Services

Consulting, international market research, product research and design, transportation, freight forwarding, trade documentation, customs brokerage, finance, foreign exchange transactions advertising, marketing, foreign order processing, insurance, licensing of foreign manufacturers modification of products for export resale, warehousing provision of barter and countertrade assistance, legal and translation aid, provision of accounting and collection services, and export counseling for minority programs exporters.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

To engage in the Export Trade in the Export Markets, equinomics is certified:

1. To enter into nonexclusive agreements with individual suppliers to act as an Export Intermediary for Products and Services in Export Trade.

2. To enter into agreements with individual suppliers of Products and Services wherein:

(a) Equinomics may agree to serve as the exclusive Export Intermediary for Products and Services in any Export Market and, in addition, may agree not to represent any competitors of such supplier for Products and Services in any Export Market unless authorized by the supplier; and/or

(b) the supplier may agree not to sell, directly or indirectly through any other Export Intermediary, into the Export Markets in which Equinomics exclusively represents the supplier as an Export Intermediary.

The agreements described in this paragraph may contain price, territorial,

quantity and customer restrictions for the Export Markets.

3. To enter into agreements with individual Export Intermediaries whereby:

(a) Equinomics may agree to deal in Products and Services in Export Markets exclusively through such Export Intermediaries; and/or

(b) such Export Intermediaries may not agree not to represent Equinomics' competitors in the sale of Products and Services in any Export Markets or not to buy Products and Services from Equinomics' competitors for resale in any Export Markets.

The agreements described in this paragraph may contain price, territorial, quantity and customer restrictions for the Export Markets.

4. To enter into agreements with individual end-users of Products and Services located in any Export Market under which such end-users may agree to purchase all or part of their requirements of Products and Services from Equinomics.

5. To terminate from time to time any of the agreements described in paragraphs 1 through 4.

6. With respect to invitations to bid or sales opportunities in the Export Markets to:

(a) Contact individual suppliers of the Products and Services specified in the invitation to bid or the purchase specifications; and/or

(b) Distribute to each supplier bid requirements, bidding dates, purchase specifications and any other information provided by the prospective purchaser; and/or

(c) Solicit and receive independent quotations for the Products and Services from individual suppliers; and/or

(d) Enter into agreements with individual suppliers whereby Equinomics will submit a response to the invitation to bid or purchase specifications that proposes the supply of such supplier's Products and Services.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of each certificate will be kept in the International Trade Administration's Freedom of

Information Records Inspection Facility, Room 4001-B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The certificates may be inspected and copies in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling 202-377-3031

Dated: June 25, 1984

Michael A. Levitt,
Acting General Counsel.

[FR Doc. 17274 Filed 6-27-84; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Receipt of Permit Applications; Government of Japan et al.

This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*)

Send comments on applications to: Fees, Permits and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235

or, send comments to the Fishery Management Council(s) which review the application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, Ma 01906, 617-231-0422

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building Room 2115, 300 South New Street, Dover, DE 19901, 302-674-2331

David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803-571-1366

Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00818, 809-753-6910

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, FL 33609, 813-228-2815

Joseph C. Greenley, Executive Director, Pacific Fishery Management

Council, 526 S.W. Mill Street, Portland, OR 97201, 503-221-6352

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, 605 W. Fourth Avenue, Anchorage, AK 99510, 907-271-4064

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 164 Bishop Street, Room 1608, Honolulu, HI 98613, 808-523-1368

For further information contact Shirley Whitted or John D. Kelly (Fees, Permits and Regulations Division, 202-634-7432).

The Magnuson Act requires the Secretary of State to publish a notice of receipt of all applications for such permits summarizing the contents of the applications in the **Federal Register**. The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues the notice on behalf of the Secretary of State.

Individual vessel applications for fishing in 1984 have been received between June 15 and June 20, 1984, from the Government(s), shown below.

Nation, vessel name, vessel type	Application No.	Fishery	Activity
Government of Japan			
Shoshin Maru No. 88, Longline Fishing Vessel	JA-84-1566	ABS	1
Sumi Maru No. 18, Longline Fishing Vessel	JA-84-1491	ABS	1
Takatoyo Maru No. 18, Longline Fishing Vessel	JA-84-1331	ABS	1
Shoshin Maru No. 82, Longline Fishing Vessel	JA-84-1309	ABS	1
Government of Poland			
Kapitan Ledochowski, Cargo/Transport Vessel	PL-84-0067	BSA, GOA, WOC, NWA	3
Gdynski Kosynier, Cargo Transport Vessel	PL-84-0090	BSA, GOA, NWA, WOC	3
Dzieci Polskie, Cargo/Transport Vessel	PL-84-0091	NWA, BSA, GOA, WOC	3
Antoni Garmuszewski, Trading-Cargo Vessel	PL-84-0106	BSA, GOA, WOC, NWA	3
Likodyn, Large Stern Trawler	PL-84-0025	NWA	1
Aquarius, Large Stern Trawler	PL-84-0103	WOC, GOA, BSA	1 (4)
Zonda, Reefer Vessel	PL-84-0102	GOA, BSA, WOC, NWA	3
Kulbak, Large Stern Trawler	PL-84-0104	NWA	1
Harmatan, Reefer Vessel	PL-84-0101	GOA, BSA, WOC, NWA	3
Libra, Large Stern Trawler	PL-84-0105	WOC, GOA, BSA	1 (4)
Delphin, Large Stern Trawler	PL-84-0065	GOA, BSA	1 (4)

Poland

Joint Venture—In addition to the Polish vessels listed above, a notice of receipt of permit applications for Polish vessels was published on April 23, 1984, at volume number FR 17063 and on June 19, 1984, at volume number 25021. The June 19 notice also published the Government of Poland's request that two or three Polish processing vessels be authorized for joint venture activities in the Washington, Oregon and California Trawl (WOC) fishery and the Bering Sea and Aleutian Islands (BSA)

Dated: June 26, 1984.

Roland Finch,

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

Code and fishery	Regional fishery management councils
ABS Atlantic Billfishes and Sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean, North Pacific.
BSA Bering Sea and Aleutian Islands.	North Pacific.
GOA Gulf of Alaska.	New England, Mid-Atlantic.
NWA Northwest Atlantic Ocean.	Western Pacific.
SMT Seamount Groundfish.	North Pacific.
SNA Snails (Bering Sea).	Pacific.
WOC Pacific Groundfish (Washington, Oregon and California).	Western Pacific.
PBS Pacific Billfishes and Sharks.	

Activity codes which specify categories of fishing operations applied for are as follows:

Activity Code and Fishing Operations

- 1—Catching, processing and other support
- 2—Processing and other support only
- 3—Other support only
- 4—"Joint venture" in support of U.S. vessels

groundfish fishery.

The Polish Government has asked to receive authorizations for all of the processing vessels to receive fish from U.S. fishermen. This request was made because the fishing seasons are already well underway and such authorizations would allow flexibility to choose the two or three joint venture vessels according to their efficiency and close proximity to the grounds being fished by U.S. vessels.

[FR Doc. 84-17444 Filed 6-27-84; 9:31 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changes to the Textile Category System

The Correlation, Textile and Apparel Categories with the Tariff Schedules of the United States, Annotated, provides for placement of Tariff Schedules of the United States, Annotated (T.S.U.S.A.) numbers in the Textile Category System. Amendments to the T.S.U.S.A., reflecting certain administrative changes, require changes to the Correlation. These changes are cited in the list which follows this notice.

EFFECTIVE DATE: June 21, 1981.

FOR FURTHER INFORMATION CONTACT:

Claire McDermott, International Agreements and Monitoring Division, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-4212).

Dated: June 22, 1984.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

June 21, 1984 changes to the Correlation.

Category	New T.S.U.S.A. numbers effective June 21, 1984
335	Change 383.3450 to 383.3456. Change 383.3451 to 383.3457 Change 383.3453 to 383.3459. Change 383.3454 to 383.3461. Change 383.3455 to 383.3462. Change 383.3458 to 383.3463.
337	Add 379.0824. Add 379.0826. Add 383.0831 Add 383.0836. Change 383.0830 to 383.0833.
347	Add 379.3509.
348	Add 383.2551.
359	Add 379.0822.
337	Add 379.0885. Add 379.3513. Add 383.0828. Add 383.0895. Add 383.2553.
637	Add 383.2329. Add 383.2333. Change 383.2330 to 383.2331.
647	Add 379.3549.
648	Add 383.2577.
659	Add 379.3325. Add 379.3385. Add 379.3553. Add 383.2327. Add 383.2395. Add 383.2579.

[FR Doc. 84-17235 Filed 6-27-84; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Textile Consultations With the Government of Hong Kong To Review Trade in Categories 359pt. (Vests) and 637 (Playsuits)

June 22, 1984.

On June 7, 1984 the Government of the United States requested consultations with the Government of Hong Kong with respect to Category 359pt. (vests). A similar request was made on June 8 regarding playsuits in Category 637. These requests were made on the basis of the agreement of June 23, 1982, as amended, between the Governments of the United States and Hong Kong relating to trade in cotton, wool and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may request the Government of Hong Kong to limit exports in Categories 359pt. and 637, produced or manufactured in Hong Kong and exported to the United States during 1984. The Government of the United States reserves the right to control imports in these categories at the established limits.

Anyone wishing to comment or provide data or information regarding the treatment of these categories under the bilateral agreement, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a

waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-17233 Filed 6-27-84; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Textile Consultations With Korea To Review Trade in Category 352

June 22, 1984.

On June 5, 1984, the Government of the United States requested consultations with the Government of the Republic of Korea with respect to underwear in Category 352. This request was made on the basis of the agreement of December 1, 1982, as amended, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations with Korea, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of textile products in Category 352, produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1984.

Anyone wishing to comment or provide data or information regarding the treatment of Category 352 from Korea under the bilateral agreement, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public

which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements

[FR Doc. 84-17234 Filed 6-27-84; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

The Defense Industrial Facilities Protection Program (DIFPP) develops and promotes industrial protection within the U.S. and its possessions by providing management of selected critical industrial facilities, voluntarily participating in the program, with advice and guidance concerning the application of physical security and emergency preparedness measures designed to reduce the vulnerability to, and increase the protection of, its facilities against sabotage, espionage, and other hostile or destructive acts to include minimization of attack damage. A basic tenet of the DIFPP is that the responsibility for the protection of property is inherent in ownership. Accordingly, the Department of Defense does not assume primary

responsibility for the physical security of privately-owned facilities, of federally-owned facilities under the control of any other Federal department or agency, or of facilities owned by any State or political subdivision of any State.

Forward comments to Edward Springer, OMB Desk, Room 3235, NEOB, Washington, DC 20503, and Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Fred Schonert, DIS, HQ Administrative Services Division, 1900 Half Street SW, Washington, DC 20324, telephone (202) 693-0881.

Dated: June 25, 1984.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 84-17264 Filed 6-27-84; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Department of Defense has submitted to OMB for approval a request for an extension of a currently approved collection of information. The request contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the extension request may be obtained.

Reinstatement

Application for Enlistment—Armed Forces of the United States

DD Form 1966, Application for Enlistment—Armed Forces of the United States is the basic form (media) used by all four Services for obtaining data used in determining eligibility of applicants for enlistment in the Armed Forces of the United States and for establishing records for those enlisted.

Male and female applicants, 17 to 26 years of age, who desire to enlist in the Armed Forces of the United States; 1,000,000 respondents; 617,000 hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Mr. Robert L. Newhart, OASD MI&L(PI), Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 695-0643. This is a revision and not for contract.

Dated: June 25, 1984.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 84-17263 Filed 6-27-84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New

ARI Enlistment Decision Surveys

As the recruiting environment stiffens, policies are needed that will increase the proportion of qualified individuals who enter the Army. These surveys address two sources of qualified individuals currently being lost to the Army: (a) losses at the point of contracting (Qualified but Not Enlisted) and (b) losses during the Delayed Entry Program (DEP dropouts).

Individuals: 2,000 respondents, 1,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon,

Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695-5111.

Dated: June 25, 1984.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 17265 Filed 6-27-84; 8:45 am]

BILLING CODE 3710-09-M

Army Science Board; Meeting Changes

The following changes have occurred for the meeting of the Army Science Board Ad Hoc Subgroup on AVRADA (U.S. Army Avionics Research and Development Activity, an Army laboratory) Effectiveness Review, which was originally announced in the Federal Register issue of Monday, 18 June 1984 (49 FR 24914), FR Doc #84-16173:

Meeting Dates: Wednesday & Thursday, 18 & 19 July 1984 (instead of on Tuesday & Wednesday, 10 & 11 July 1984).

Place: Environmental Research Institute of Michigan's Arlington, Virginia office, instead of at Fort Monmouth, New Jersey.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 84-17260 Filed 6-25-84; 3:43 pm]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Date of Meeting: Friday, 20 July 1984.

Time: 0830-1700 hours (Open).

Place: The Pentagon, Washington, D.C.

Agenda: The Leadership Subpanel of the Army Science Board 1984 Summer Study on Leading and Manning Army 21 will meet all day in an Executive Session to review study progress to date, to include emerging recommendations, and prepare for the Summer Study writing session. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 84-17261 Filed 6-27-84; 8:45 am]

BILLING CODE 3710-08-M

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

AGENCY: Department of the Army, DoD.

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

SUMMARY: The Department of the Army proposes to delete 2 and amend 1 system notices for systems of records subject to the Privacy Act of 1974, as amended. Following identification of changes, amended notice is printed below in its entirety.

DATES: Actions shall be effective in 30 days.

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

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

SUPPLEMENTARY INFORMATION: The Army's system of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the *Federal Register* as follows:

- FR Doc 83-12048 (48 FR 25502), June 6, 1983
- FR Doc 83-18883 (48 FR 32046), July 13, 1983
- FR Doc 83-24181 (48 FR 40291), September 6, 1983
- FR Doc 83-28792 (48 FR 49086), October 24, 1983
- FR Doc 84-1118 (49 FR 2006), January 17, 1984
- FR Doc 84-2331 (49 FR 3506), January 27, 1984
- FR Doc 84-3683 (49 FR 5170), February 10, 1984
- FR Doc 84-6438 (49 FR 8993), March 9, 1984
- FR Doc 84-11652 (49 FR 18600), May 1, 1984
- FR Doc 84-14035 (49 FR 22122), May 25, 1984
- FR Doc 84-15558 (49 FR 24045), June 11, 1984
- FR Doc 84-16178 (49 FR 24914), June 18, 1984
- FR Doc 84-16520 (49 FR 25499), June 21, 1984

The proposed amendments are not within the purview of the provisions of 5

U.S.C. 552a(o) which requires the submission of an altered system report.

M. S. Healy,
OSD Federal Register Liaison Officer,
Department of Defense.

June 25, 1984.

DELETIONS

A0225.01aDAPE

System name:

Military Police Management Information System (MPMIS)—Correctional Reporting System (CRS) (48 FR 25555), June 6, 1983.

Reason:

Records are described in proposed revised system notice A0720.04aDAPE appearing in this edition of the *Federal Register*.

A0721.11aDAPE

System name:

Individual Correctional Treatment Files (48 FR 25686), June 6, 1983.

Reason:

Records are described in proposed revised system notice A0720.04aDAPE appearing in this edition of the *Federal Register*.

AMENDMENTS

A0720.04aDAPE

System name:

Individual Correctional Treatment Files.

Changes:

System Identification:

Delete suffix "a".

System name:

Delete present name; insert: "Army Correctional System: Correctional Treatment Records".

System location:

Delete entry; substitute therefor: "Army installation detention facilities; US Army Correctional Activity, Ft Riley, KS; US Disciplinary Barracks, Ft Leavenworth, KS.

"An automated extract of selected data from individual correctional treatment records at Army facilities is stored on computer media at five Regional Data Centers located in the Washington, DC area and near Ft McPherson, GA; Ft Knox, KY; Ft Hood, TX; and Ft Ord, CA.

"The Army Clemency Board, Office, Assistant Secretary of the Army, Manpower and Reserve Affairs, Washington, DC 20310 (for decisions on clemency recommendations, parole actions, and restoration to duty)."

Categories of records in the system:

Delete entry; substitute therefor: "Documents related to the administration of individual military prisoners; courts-martial orders, release/confinement orders, medical examiner's reports, requests and receipts for health and comfort supplies, reports and recommendations relating to disciplinary actions, clothing and equipment issue records; forms authorizing correspondence by prisoner, mail records; personal history records; individual prisoner utilization records; requests for interview; fingerprint cards; military police reports; prisoner identification records; parolee agreements; inspections; documents regarding custodianship of personal funds and property of prisoners; former commanding officer's report; parents' report; spouse's report; classification recommendations; request to transfer prisoner; social history, clemency actions; psychologist's report; psychiatric and sociologic reports; certificate of parole; certificate of parole; certificate of release from parole; assignment progress reports; and similar relevant documents."

After "Authority for maintenance of the system", add:

"Purpose:

Correctional treatment records are used to determine prisoner's custody classifications, work assignments, educational needs, adjustment to confinement, areas of particular concern, and, as the basis for clemency, parole, and restoration to duty considerations. Automated records provide pertinent information required for proper management of confinement facility population, demographic studies, status of discipline and responsiveness of personnel procedures, as well as confinement utilization factors such as population turnover, recidivism, etc."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete both paragraphs; add the following: "Information may be disclosed (a) to local, state, and federal law enforcement and investigatory agencies for investigation and possible criminal prosecution, civil court actions or regulatory order; (b) to confinement/correctional agencies for use in the administration of correctional programs, including custody classification, employment, training and educational assignments, treatment programs, clemency, restoration to duty or parole actions, verification of offender's

criminal records, employment records and social histories."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retrievability:

Delete period and add: "and/or SSN/ Register number."

Safeguards:

Delete entry; substitute the following: "All records are maintained in areas accessible only to designated personnel having official need therefor. Automated data base and output are managed through comprehensive procedures and policies prescribed in system functional users manuals.

"Regional Data Centers are contractor-operated. Contractor personnel are security screened; employees receive a security briefing and participate in an on-going security education program under the Regional Data Security Officer. Regional Data Centers are connected through a communications network to 44 distributed data processing centers at Army installations. Technical, physical, and administrative safeguards required by Army Regulation 380-380 are met at installation data processing centers and information is secured in locked rooms with limited/controlled access. Data are available only to installation personnel responsible for system operation and maintenance. Terminals not in the data processing center are under the supervision of a terminal area security officer at each remote location protecting them from unauthorized use. Access to information is controlled further by a system of assigned passwords for authorized users of terminals."

Retention and disposal:

Delete entry; substitute therefor: "Individual correctional treatment records for prisoners in the US Army Correctional Activity (USACA) or US Disciplinary Barracks (USDB) are retained for 90 days following expiration of sentence/completion of parole/maximum release date, following which they are retired to the National Personnel Records Center for 25 years; destruction is by shredding. Similar records for prisoners in local Army confinement and correctional facilities are destroyed 4 years following release of prisoner from confinement.

Note.—Transfer of a prisoner from one facility to another is not construed as release from confinement. When a prisoner is transferred to another facility, his/her file is transferred with him/her

Information on tape/disc is erased after 3 years.

"Army Clemency Board case files are returned on completion of Board action to USACA or USDB, as appropriate where they are retained for 90 days after prisoner's release from confinement or return to duty, following which they are retired to the National Personnel Records Center and maintained for 25 years before being destroyed by shredding."

Systems exempted from certain provisions of the act:

Add: "(See 32 CFR Part 505.9.)" System A0720.04 DAPE reads as follows:

A0720.04DAPE

SYSTEM NAME:

Army Correctional System:
Correctional Treatment Records

SYSTEM LOCATION:

Army installation detention facilities: US Army Correctional Activity, Ft Riley, KS US Disciplinary Barracks, Ft Leavenworth, KS.

An automated extract of selected data from individual correctional treatment records at Army facilities is stored on computer media at five Regional Data Centers located in the Washington, DC area and near Ft McPherson, GA; Ft Knox, KY; Ft Hood, TX; and FT Ord, CA.

The Army Clemency Board, Office, Assistant Secretary of the Army, Manpower and Reserve Affairs, Washington, DC 20310 (for decisions on clemency recommendations, parole actions, and restoration to duty).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military member confined at an Army confinement or correctional facility as a result of, or pending, trial by courts-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to the administration of individual military prisoners; courts-martial orders, release/confinement orders, medical examiner's reports, requests and receipts for health and comfort supplies, reports and recommendations relating to disciplinary actions, clothing and equipment issue records; forms authorizing correspondence by prisoner, mail records; personal history records; individual prisoner utilization records; requests for interview; fingerprint cards; military police reports; prisoner identification records; parolee agreements; inspections; documents regarding costodianship of personal funds and property of prisoners; former

commanding officer's report; parents' report; spouse's report; classification recommendations; request to transfer prisoner; social history clemency actions; psychologist's report; psychiatric and sociologic reports; certificate of parole; certificate of release from parole; assignment progress reports; and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 951-953.

PURPOSE:

Correctional treatment records are used to determine prisoner's custody classifications, work assignments, educational needs, adjustment to confinement, areas of particular concern, and, as the basis for clemency, parole, and restoration to duty considerations. Automated records provide pertinent information required for proper management of confinement facility population, demographic studies, status of discipline and responsiveness of personnel procedures, as well as confinement utilization factors such as population turnover, recidivism, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed (a) to local, state, and federal law enforcement and investigatory agencies for investigation and possible criminal prosecution, civil court actions or regulatory order; (b) to confinement/correctional agencies for use in the administration of correctional programs, including custody classification, employment, training and educational assignments, treatment programs, clemency, restoration to duty or parole actions, verification of offender's criminal records, employment records, and social histories.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, punch cards, magnetic tape and disc.

RETRIEVABILITY:

By prisoner's surname and/or SSN/ Register number.

SAFEGUARDS:

All records are maintained in areas accessible only to designated personnel having official need therefor. Automated data base and output are managed through comprehensive procedures and

policies prescribed in system functional users manuals.

Regional Data Centers are contractor-operated. Contractor personnel are security screened; employees received a security briefing and participated in an on-going security education program under the Regional Data Security Officer. Regional Data Centers are connected through a communications network to 44 distributed data processing centers at Army installations. Technical, physical, and administrative safeguards required by Army Regulation 380-380 are met at installation data processing centers and information is secured in locked rooms with limited/controlled access. Data are available only to installation personnel responsible for system operation and maintenance. Terminals not in data processing centers are under the supervision of a terminal area security officer at each remote location protecting them from unauthorized use. Access to information is controlled further by a system of assigned passwords for authorized users of terminals.

RETENTION AND DISPOSAL:

Individual correctional treatment records for prisoners in the US Army Correctional Activity (USACA) or US Disciplinary Barracks (USDB) are retained for 90 days following expiration of sentence/completion of parole/maximum release date, following which they are retired to the National Personnel Records Center for 25 years; destruction is by shredding. Similar records for prisoners in local Army confinement and correctional facilities are destroyed 4 years following release of prisoner from confinement.

Note.—Transfer of a prisoner from one facility to another is not construed as release from confinement. When a prisoner is transferred to another facility, his/her file is transferred with him/her.

Information on tape/disc is erased after 3 years.

Army Clemency Board case files are returned on completion of Board action to USACA or USDB, as appropriate, where they are retained for 90 days after prisoner's release from confinement or return to duty, following which they are retired to the National Personnel Records Center and maintained for 25 years before being destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for

Personnel, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be sought by writing to the commander of the confinement/correctional facility, or to the Deputy Chief of Staff for Personnel, ATTN: DAPE-HRE, The Pentagon, Washington, DC 20310.

RECORD ACCESS PROCEDURE:

Individuals desiring access to their records may write to the Commander of the confinement/correctional facility where a prisoner, furnishing full name, SSN, present address, and dates of confinement. Request must bear signature of the individual whose record it is.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; witnesses; victims; Military Police/US Army Criminal Investigation Command personnel and/or reports; informants; various Federal, state, and local investigative and law enforcement agencies; foreign governments; any other individual or organization that may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (c) (4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g). (See 32 CFR 505.9)

[FR Doc. 84-17271 Filed 6-27-84; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TC84-7-000]

Algonquin Gas Transmission Co.; Tariff Filing

June 22, 1984.

Take notice that on June 5, 1984, Algonquin Gas Transmission Company (Algonquin Gas), 1284 Soldiers Field Rd., Boston, MA 02135, filed in Docket No. TC84-7-000, pursuant to Part 154 of the Commission's Regulations (18 CFR Part 154) First Revised Sheet Nos. 701 and

711 to its FERC Gas Tariff, Second Revised Volume No. 1, with proposed effective date of July 15, 1984, all as more fully set forth in the filing which is on file with the Commission and open to public inspection.

Said revised tariff sheets include, in Article I of the Form of Service Agreement (Rate Schedules F-1 and WS-1), revisions filed by Texas Eastern Transmission Corporation (Texas Eastern) in its Form of Service Agreement in accordance with a settlement of Docket No. TC82-42-000.

The following *caveat* is to be added:

It is understood that Seller (Texas Eastern) does not now have, and notwithstanding Seller's good faith efforts, may not have in the future sufficient gas supplies to supply Buyer (Algonquin Gas Transmission Company) with quantities of gas specified in the Service Agreement for the term of such agreement.

It is stated that since Algonquin Gas obtains its entire supply of natural gas for resale under Rate Schedules F-1 and WS-1 by purchase from Texas Eastern, it must flow through the condition which Texas Eastern imposes on Algonquin Gas.

Algonquin Gas proposes the effective date of such revised tariff sheets be July 15, 1984.

Algonquin Gas states that copies of the filing were served on its customers and public utility commissions for Connecticut, Massachusetts, New Jersey, New York and Rhode Island.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before July 3, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-17183 Filed 6-27-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-474-000]

American Distribution Co. (Alabama Division); Application

June 25, 1984.

Take notice that on June 8, 1984, American Distribution Company (Alabama Division) (Applicant), 1234 Capital Bank Plaza, Houston, Texas 77002, filed in Docket No. CP84-474-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to be located in Alabama and the transportation of natural gas by means of these facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is a division of American Distribution Company (ADC), which is a newly organized local distribution company. Applicant indicates that ADC would soon complete construction of its distribution facilities located in Texas. Applicant states that ADC has entered into an agreement to purchase 5,000 Mcf of residue gas per day from a sour gas processing plant now being constructed by Collet Ventures, Inc. (Collet), in Washington County, Alabama. Applicant proposes to construct a 40-mile 6-inch pipeline from the tailgate of the Collet plant to a point of interconnection with the facilities of Florida Gas Transmission Company (FGT). Applicant indicates it would transport up to 5,000 Mcf per day for Collet through those facilities and that ADC would take title to the gas at the interconnection of the proposed facilities with those of FGT. Applicant states that FGT will then transport the gas to Texas Eastern Transmission Corporation, which would then transport the gas to ADC's distribution facilities in Texas. Applicant explains that all of the gas purchased in Alabama would be delivered to ADC's sole customer, the Big Three Industries, Inc., which operates a cogeneration plant.

Applicant states that the proposed project would cost approximately \$2.1 million. Applicant proposes to charge Collet a transportation fee of \$0.45 per Mcf for the first 4,500,000 Mcf of gas delivered through the new system and \$0.25 per Mcf thereafter.

Except for the proposed activities of Applicant, it is alleged that ADC's operations are exempt from the provisions of the Natural Gas Act. Accordingly, Applicant requests that simultaneously with the issuance of the authorization herein sought, the

Commission also affirmatively and explicitly declares that the jurisdiction of the Commission under the Natural Gas Act over Applicant and the transactions in which it is engaged would extend solely to the acts and services authorized by the requested certificate and that the jurisdiction of the Commission under the Natural Gas Act specifically would not extend to any transaction which, but for the acts and services authorized to be performed pursuant to the requested certificate, would not be subject to such jurisdiction.

In addition, Applicant indicates that based upon revenue projections it would appear that Applicant would be classified as a Class C natural-gas company under 18 CFR Part 204. Applicant asserts that imposition of the Part 204 regulations would be unduly burdensome and requests waiver of those regulations. Applicant also requests that it be required to submit only an annual report as a Class C company and that other reporting requirements under Parts 158, 160, 216 and 225 of the Commission's regulations be waived.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-17184 Filed 6-27-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL84-18-000]

Arkansas Power & Light Co.; Petition of Arkansas Power & Light Co. for Declaratory Order Waiving Section 35.13 Requirement, so as To Allow Abbreviated Rate Filings**Arkansas Power & Light Co.;**

June 22, 1984.

Take notice that on June 13, 1984, Arkansas Power and Light Company (AP&L or Company) submitted for filing its petition for declaratory order waiving Section 35.13 requirement so as to allow abbreviated rate filings.

In support of this request, AP&L states that under section 35.13(a)(1)(B) a utility may make an abbreviated rate filing consisting of the information required in paragraphs (b), (c) and (h)(37) of Section 35.13 provided that the increase requested is less than \$1,000,000 for Period I and the affected customers consent to the increase.

AP&L further states that due to the nature of its contractual relationship with Arkansas wholesale customers that take service under the Company's Resale Service Rate Schedule, a full Section 35.13 filing:

- (1) Is unnecessary for fair and reasonable ratemaking for these customers;
- (2) Places an inefficient and needless burden on the Company, the customers, and the FERC Staff; and
- (3) Results in higher rates to these customers because of the costs incurred by the Company in preparing such filings.

The Company requests that the Commission waive the \$1,000,000 limit requirement for making an abbreviated filing in all the Company's future rate filings concerning service to the customers listed where an executed settlement agreement with them can be presented to the Commission at the time of filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington,

D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 19, 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. 84-17185 Filed 6-27-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-70-001]

**East Tennessee Natural Gas Co.;
Petition To Amend**

June 25, 1984.

Take notice that on May 25, 1984, East Tennessee Natural Gas Company (Petitioner), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP84-70-001 a petition to amend the order issued February 27, 1984, pursuant to section 7(c) of the Natural Gas Act so as to authorize Petitioner on or after July 1, 1984, to reduce its rate to its customer Laurel Fuel Company (Laurel) to Petitioner's then current Zone 1 commodity rate, plus the GRI surcharge, plus a transportation fee of 1.0 cent per Mcf, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that pursuant to the order issued February 27, 1984, Petitioner was authorized to make an off-system sale of up to 7 million Btu equivalent of natural gas per day to Laurel, a local distribution company located in the State of Mississippi. Petitioner states that the order of February 27, 1984, was conditioned to require Petitioner to make the sale to Laurel during the twelve-month period commencing on December 6, 1983, at Petitioner's system average load factor sale rate which is currently \$3.3790 per million Btu including a GRI surcharge and a 1.0-cent per Mcf charge for transportation service provided by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee).

Petitioner states that it has been advised by its pipeline supplier, Tennessee, that a semi-annual purchased gas adjustment (PGA) filing would be made shortly to become effective July 1, 1984, which would have the effect of increasing Petitioner's

system average load factor sale rate by approximately 50.0 cents per million Btu. Petitioner further states that it has been advised by Laurel that such an increase would make Laurel unable to market Petitioner's gas and would result in Laurel's ceasing to purchase gas from Petitioner after June 30, 1984.

Petitioner, therefore, requests that the Commission amend its order of February 27, 1984, so as to authorize Petitioner to reduce its rate to Laurel on or after July 1, 1984, to Applicant's then current Zone 1 commodity rate, plus the GRI surcharge of 1.25 cents per million Btu, plus the Tennessee transportation fee of 1.0 cent per Mcf.

Petitioner alleges that it would actually incur minimum bill charges from Tennessee in May 1984, notwithstanding its current sales to Laurel. Petitioner estimates its minimum bill exposure from Tennessee for the period, June through November 1984, to be 7,338,000 Mcf. Petitioner states that its customers would save \$2.7834 per Mcf for each Mcf sold to Laurel and that its customers would additionally benefit from the crediting to Account No. 191 of the jurisdictional portion of the revenues received from the sale to Laurel.

Petitioner alleges that it has no other market available to it, either on-system or off-system, in which it can dispose of the volumes necessary to avoid the incurrence of minimum bill charges.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17186 Filed 6-27-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-161-005; Docket No. CP79-141-002]

**Midwestern Gas Transmission Co. and
Great Lakes Gas Transmission Co.;
Petition To Amend**

June 25, 1984.

Take notice that on June 8, 1984, Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas 77001, and Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, jointly referred to as Petitioners, filed in Docket Nos. CP79-161-005 and CP79-141-002, a joint petition to amend further the orders issued September 25, 1979, in Docket Nos. CP79-181 and CP79-141, as amended, pursuant to section 7(c) of the Natural Gas Act, so as to extend to November 1, 1986, Petitioners' authorization to transport and sell natural gas imported from Canada, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners submit that by order issued August 9, 1979, as amended, Midwestern was authorized in Economic Regulatory Administration (ERA) Docket No. 79-04-NG to import 114,000,000 Mcf of natural gas at a point near Emerson, Manitoba, at daily volumes up to 350,000 Mcf and that on October 17, 1980, in ERA Docket No. 80-17-NG Midwestern was authorized to import up to 80,000 Mcf per day of such gas at an additional import delivery point near Niagara Falls, New York. By subsequent ERA orders, Midwestern's import authorization has been extended for a term ending October 31, 1984, it is explained.

Petitioners further submit that by order issued July 11, 1979, in ERA Docket No. 78-011-NG, Great Lakes was authorized to import 18,000,000 Mcf of natural gas at a point near Emerson, Manitoba, and that by subsequent ERA orders, Great Lakes' import authorization has been amended to extend the term until October 31, 1984.

It is stated that companion authorizations for such importing of natural gas were obtained from the Commission by Midwestern in Docket No. CP68-121 and by Great Lakes in Docket No. CP68-112.

It is further stated that by order issued by the Commission on September 25, 1979, in Docket No. CP79-141, Great Lakes was authorized to resell to Midwestern the 18,000,000 Mcf of gas imported and purchased by Great Lakes from TransCanada PipeLines Limited

and that Great Lakes was also authorized to transport for Midwestern from the point near Emerson, Manitoba, to points of interconnection of the Great Lakes facilities with the facilities of ANR Pipeline Company, the total volumes of gas imported by Great Lakes and Midwestern. It is submitted that by subsequent orders, the Great Lakes authorization has been extended through October 31, 1984.

Petitioners submit that by order issued by the Commission on September 25, 1979, in Docket No. CP79-161, Midwestern was authorized to sell to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Northern Natural Gas Company, Division of Inter-North, Inc. (Northern), and Natural Gas Pipeline of America (Natural) up to 350,000 Mcf of such natural gas per day. Midwestern's authorization for sales to Northern and Natural have terminated through subsequent amendments and Midwestern is presently authorized to sell up to 600,000 Mcf per day to Tennessee, through the period ending October 31, 1984, it is stated.

Petitioners further submit that by instant petition Great Lakes seeks extension for a two-year period ending October 31, 1986, of the authorization issued in Docket No. CP79-141 so as to permit Great Lakes to resell to Midwestern on an interruptible basis the volumes to be imported during that period by Great Lakes. Further, Great Lakes seeks extension for the period through October 31, 1986, of its authorization to transport for Midwestern on an interruptible basis the total volumes to be imported by Midwestern and by Great Lakes. Midwestern, by this petition, seeks extension for a two-year period ending October 31, 1986, of the authorization issued in Docket No. CP79-161 to permit Midwestern to sell up to 600,000 Mcf per day of such imported gas to Tennessee.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17187 Filed 6-27-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-501-000]

**National Fuel Gas Supply Corp.;
Application**

June 25, 1984.

Take notice that on June 18, 1984, National Fuel Gas Supply Corporation (National Fuel), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-501-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to replace and/or enlarge existing facilities. National Fuel also requests, pursuant to section 7(b) of the Natural Gas Act, permission and approval to abandon the deteriorated facilities which would be replaced. National Fuel's proposals are more fully set forth in the application which is on file with the Commission and open to public inspection.

National Fuel proposes to replace four compressor units that have a total horsepower of 800, install new gas piping, new cooling equipment, new compressor and metering buildings, and upgrade an existing dehydration plant at its Tuscarora Storage Station in Tuscarora, Steuben County, New York. It is stated that the proposed station would be constructed on existing company property on a site adjacent to the existing station.

National Fuel estimates the cost of the proposed project to be \$1,800,165 which would be financed with internally generated funds and/or interim short-term bank loans.

It is asserted that the age and high maintenance costs as well as high fuel gas consumption of the four existing compressors has necessitated the request for replacement. The replacement compressors would consist of two 800 horsepower units which require 20 percent less fuel gas consumption. It is stated that the additional horsepower would provide National Fuel with greater flexibility in its gas purchasing and dispatching operations during the 200-day injection period at the Tuscarora Storage Field.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13,

1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for National Fuel to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17190 Filed 6-27-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-362-007]

Northwest Pipeline Corp.; Petition To Amend

June 25, 1984.

Take notice that on June 11, 1984, Northwest Pipeline Corporation (Northwest), P.O. Box 8900, Salt Lake City, Utah 84108-0900, filed in Docket No. CP82-362-007 a petition to amend further the order issued September 30, 1982, as amended, in Docket No. CP82-362-000 pursuant to section 7(c) of the Natural Gas Act so as to authorize an extension of the term of the transportation service provided for the account of Phillips Pacific Chemical

Company (Phillips), all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Northwest requests that the Commission amend its orders dated September 30, 1982, and May 13, 1983, so as to authorize the transportation service until June 20, 1986.

Northwest indicates that it would continue to receive up to 10 billion Btu of natural gas purchased by Phillips Pacific from Southern Union Gathering Company and redeliver gas to Phillips Pacific near Kennewick, Washington. Northwest states that Phillips Pacific continues to require natural gas in the operation of its Kennewick, Washington, plant.

It is asserted that other than the extension of term Northwest proposes no changes to the transportation service as previously authorized by the Commission in this proceeding.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17188 Filed 6-27-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-464-000]

Northwest Central Pipeline Corp.; Application

June 22, 1984.

Take notice that on June 5, 1984, Northwest Central Pipeline Corporation (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP84-464-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by reclaim certain facilities on its transmission system and the transportation of natural gas through

those facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to discontinue the sale of gas to Bruce E. Rigdon, d/b/a Rigdon's Mobile Home Acres, in Knob Noster, Johnson County, Missouri, and reclaim the meter and regulator facilities used to make this sale. The sale commenced in 1967 pursuant to budget-type authorization issued in Docket No. CP67-99, it is explained. Applicant states that Mr. Rigdon has refused to pay for gas delivered to it and now owes Applicant \$36,902.44 and that the account started becoming delinquent on September 1, 1982. Applicant asserts that action was taken against Mr. Rigdon in the Circuit Court of Johnson County to collect this delinquent account and that a judgment was granted to Applicant on April 23, 1984.

It is stated that the salvage value of the facilities to be reclaimed is approximately \$2,770 with a cost to reclaim of \$2,180.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes

that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17188 Filed 6-27-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AAA-FRL-2615-7]

EPA Master List of Debarred, Suspended or Voluntarily Excluded Persons

AGENCY: Environmental Protection Agency.

ACTION: EPA Master List of Debarred, Suspended, or Voluntarily Excluded Persons.

SUMMARY: 40 CFR 32.400 requires the Director, Grants Administration Division, to publish in the Federal Register each calendar quarter the names of, and other information concerning, those parties debarred, suspended, or voluntarily excluded from participation in EPA assisted programs by EPA action under Part 32. Assistance (grant and cooperative agreement) recipients and contractors under EPA assistance awards may not initiate new business with these firms or individuals on any EPA funded activity during the period of suspension, debarment, or voluntary exclusion.

This short list contains the names of those persons who have been listed as a result of EPA actions only. It is provided for general informational purposes only and is not to be relied on in determining a person's current eligibility status. A comprehensive list, updated weekly, is available in each Regional Office. Inquiries concerning the status of any individual, organization, or firm should be directed to EPA's Regional or Headquarters office for grants administration that normally serves you.

DATE: This short list is current as of June 18, 1984.

FOR FURTHER INFORMATION CONTACT: Frank Dawkins, of the EPA Compliance Staff, Grants Administration Division, at (202) 475-8025.

Dated: June 20, 1984.

Frederick Meadows,
*Acting Director, Grants Administration
Division (PM-2161).*

EPA MASTER LIST OF DEBARRED, SUSPENDED AND VOLUNTARILY EXCLUDED PERSONS

Name and jurisdiction	File No.	Status ¹	From	To	Grounds
A. C. Lawrence Leather Company, Inc. (Danvers, MA)	83-0007-00	D	04-12-84	04-11-87	§ 32.200(a)(c)(f).
Anderson, Scott (Walnut Creek, CA)	83-0004-01	D	06-17-84	06-16-86	§ 32.200(a)(b)(e)(f).
Ashland-Warren, Inc. (McMinnville, TN)	82-0401	D	09-22-82	05-06-85	§ 32.200(a)(e).
Atlas Prestressing Corp. (Panorama City, CA)	83-0050-00	D	08-02-83	08-01-86	§ 32.200(a).
Avenill, Ernest Jr. (Fort Myers, FL)	83-0066-06	S	12-02-83	(*)	§ 32.300(b).
Barber, Lawrence (Hazelwood, NC)	83-0007-05	D	04-12-84	04-11-87	§ 32.200(a)(c)(f).
Bowe, Walsh and Associates, Inc. (Melville, NY)	83-0040-00	D	04-14-83	04-13-86	§ 32.200(a)(e).
Bowers Excavating and Fencing, Inc. (Klamath Falls, OR)	83-0058-00	D	06-27-83	12-27-84	§ 32.200(b)(e)(f).
Bowers, Joe (Klamath Falls, OR)	83-0058-01	D	06-27-83	12-27-84	§ 32.200(b)(e)(f).
Bowers, John (Klamath Falls, OR)	83-0058-02	D	06-27-83	12-27-84	§ 32.200(b)(e)(f).
Christian, Burl Gene (Denver, CO)	83-0050-02	VE	11-03-83	11-02-84	§ 32.200(a).
Erichetti, Angelo J. (Camden, NJ)	83-0040-04	D	04-14-83	04-13-86	§ 32.200(a)(b).
Friedrich, Rene (Saratoga, CA)	83-0003-01	VE	12-23-83	12-22-84	§ 32.200(a).
Gabey, Martin (Northport, NY)	83-0040-02	D	12-16-83	12-15-86	§ 32.200(a).
Goodspeed, Robert (North Hampton, NH)	83-0007-02	D	04-12-84	04-11-87	§ 32.200(c)(f).
Harry Johnson Plumbing Company, Inc. (Walla Walla, WA)	83-0060-00	D	07-22-83	07-21-86	§ 32.200(b)(c)(e)(f).
Herbert G. Whyte, Associates, Inc. (Gary, IN)	82-0501	D	10-20-82	10-19-85	§ 32.200(b)(e).
Hunter, James C. (Gardena, CA)	83-0002-02	D	07-07-83	07-06-86	§ 32.200(a).
Jackson, Manly (San Jose, CA)	83-0048-02	D	06-27-83	06-26-86	§ 32.200(a).
Johnson, Mark (Walla Walla, WA)	83-0060-01	D	07-22-83	07-21-86	§ 32.200(b)(c)(e)(f).
Johnson, Richard (Hinsdale, NH)	83-0007-03	D	04-12-84	04-11-87	§ 32.200(c)(f).
Keller, John (Timonium, MD)	83-0048-01	D	09-09-83	03-08-85	§ 32.200(a).
L.A. Reynolds Company (Winston Salem, NC)	83-0038-00	D	07-01-83	06-30-86	§ 32.200(a).
Long, Harold Delmar (Los Gatos, CA)	83-0050-01	D	07-07-83	07-06-86	§ 32.200(a).
Marshall, Weymouth (Gloucester, MA)	83-0007-01	D	04-12-84	04-11-87	§ 32.200(c)(f).
Meyer, Gary (North Platte, NE)	83-0031-01	VE	04-18-84	10-17-84	§ 32.200(a).
Municipal & Industrial Pipe Services, Ltd. (Douglasville, GA)	82-0601	D	10-07-82	02-16-87	§ 32.200(b)(c)(e)(f).
	82-0408				
Newman, Fred M. (Vienna, VA)	83-0072-01	D	09-30-83	09-29-86	§ 32.200(f).
Newman, Richard Gordon (Pierre, SD)	83-0041-00	D	11-29-83	11-28-86	§ 32.200(a).
Paulsen Building and Supply, Inc. (Cozad, NE)	83-0029-00	VE	04-03-84	07-02-84	§ 32.200(a).
Paulsen, Ivan L. (Cozad, NE)	83-0029-01	VE	04-03-84	07-02-84	§ 32.200(a).
Post-Tensioning Service Corporation (Saratoga, CA)	83-0001-00	D	07-08-83	07-07-86	§ 32.200(a).
Reynolds, Jon R. (Winston Salem, NC)	83-0038-01	D	07-01-83	06-30-86	§ 32.200(a).
Richmond, Elwood P. (Grand Forks, ND)	83-0006-01	D	06-06-83	06-05-86	§ 32.200(a)(f).
Richmond Engineering, Inc. (Grand Forks, ND)	83-0006-00	D	06-06-83	06-05-86	§ 32.200(a)(f).
Richmond, Loyde W., Jr. (Grand Forks, ND)	83-0006-02	D	06-06-83	06-05-86	§ 32.200(a)(f).
Rothrock Construction, Inc. (Murrells Inlet, NC)	83-0064-00	D	05-17-84	05-16-87	§ 32.200(a).
Rothrock, Steve D. (Murrells Inlet, NC)	83-0064-01	D	05-18-84	05-17-87	§ 32.200(a).
Shepherd, Frank A. (Savannah, TN)	83-0046-01	D	07-15-83	11-03-85	§ 32.200(a).
Siona, Francis (Swansey, NH)	83-0007-04	D	04-12-84	04-11-87	§ 32.200(a)(c)(f).
Stressteel Corporation (Wilkes-Barre, PA)	83-0051-00	D	08-02-83	02-01-85	§ 32.200(a).
Suburban Grading & Utilities, Inc. (Norfolk, VA)	83-0022-00	D	03-29-83	03-28-85	§ 32.200(a).
Swanson, David (Los Gatos, CA)	83-0003-02	VE	11-03-83	11-02-84	§ 32.200(a)(f).
Vanderhurst, William (Saratoga, CA)	83-0001-01	D	07-08-83	07-07-86	§ 32.200(a).
Walsh, Charles T. (Huntington Bay, NY)	83-0040-01	D	04-14-83	04-13-86	§ 32.200(a).
Walstad, Merrill (Huntington Beach, CA)	83-0003-03	D	06-27-83	06-26-86	§ 32.200(a).
Watts, Richard (Los Gatos, CA)	83-0003-04	VE	11-03-83	11-02-84	§ 32.200(a).
Whyte, Herbert G. (Gary, IN)	82-0501	D	10-20-82	10-19-85	§ 32.200(b)(e).
Wirt, David (Douglasville, GA)	82-0601	D	10-07-82	02-16-87	§ 32.200(b)(c)(e)(f).
	82-0408				
Wirt, Gordon D. (Douglasville, GA)	82-0408	D	12-07-82	02-16-87	§ 32.200(c)(e).
Wirt, Judith C. (Douglasville, GA)	82-0408	D	12-07-82	02-16-87	§ 32.200(c)(e)(f).
Womack, Jerry T. (Norfolk, VA)	83-0022-01	D	03-29-83	03-28-85	§ 32.200(a).
Young, Frederick M. (Fayetteville, TN)	83-0025-01	VE	07-19-83	07-18-84	§ 32.200(a).
Zeigler, Beaty Stevens (Sumter, SC)	83-0045-01	VE	07-15-83	08-31-86	§ 32.200(a).

¹ D=Debarred; S=Suspended; VE=Voluntarily Excluded.

² Open.

[PR Doc. 84-17221 Filed 6-27-84; 8:45 am]

BILLING CODE 6580-05-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection

Notification of Performance of Bank Services (OMB No. 3064-0029).

Background

In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF-83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Judy McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Federal Deposit Insurance Corporation,

Washington, D.C. 20429, telephone (202) 369-4351.

SUMMARY: The FDIC is requesting OMB to extend the expiration date of the FDIC form used by insured state nonmember banks to notify the FDIC of the existence of a relationship with a bank service corporation within thirty days after the making of a service contract or the performance of the service, whichever occurs first. The form provides for identifying the name and location of the reporting bank and the servicer, and a brief description of the services provided. The form FDIC 6120/06 (OMB No. 3064-0029, expiring September 30, 1984) implements the notification requirements of section 7 of the Bank Service Corporation Act (12 USC 1867). It is estimated that the

annual burden for the reporting bank is approximately one-half hour.

Dated: June 18, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-17182 Filed 6-27-84; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No. 202-000014-052.

Title: Trans-Pacific Freight Conference (Hong Kong).

Parties:

American President Lines, Ltd.
Barber Blue Sea Line
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Sea-Land Service, Inc.
United States Lines, Inc.
Japan Line, Ltd.
Nippon Yusen Kaisha
Showa Line, Ltd.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would delete the "Guidelines for Independent Action" which formerly required a 30 day notice period from the appendix of the agreement and establish provisions for independent action with a minimum of 10 days' notice.

Agreement No. 202-000150-075.

Title: Trans-Pacific Freight Conference of Japan/Korea.

Parties:

American President Lines, Ltd.
Barber Blue Sea Line
Hapag-Lloyd AG
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Korea Marine Transport Co., Ltd.
Lykes Bros. Steamship Co., Inc.

Mitsui O.S.K. Lines, Ltd.
A.P. Moller-Maersk Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Yusen Kaisha
Orient Overseas Container Line, Inc.
Sea-Land Service, Inc.
Showa Line, Ltd.
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would add new articles with provisions governing consultation, shipper's requests and complaints and independent action with a minimum notice period of 10 days to the basic agreement.

Agreement No. 202-003103-074.

Title: Japan/Korea Atlantic & Gulf Freight Conference.

Parties:

Barber Blue Sea Line
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Korea Shipping Corporation
Lykes Bros. Steamship Co., Inc.
Mitsui O.S.K. Lines, Ltd.
A.P. Moller-Maersk Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Yusen Kaisha
Orient Overseas Container Line, Inc.
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would add new articles with provisions governing consultation, shipper's requests and complaints and independent action with a minimum notice period of 10 days to the basic agreement.

Agreement No. 202-005600-048.

Title: Philippines North America Conference.

Parties:

American President Lines, Ltd. Hapag-Lloyd AG, Lykes Bros. Steamship Co., Ltd. A.P. Moller (Maersk Line), Sea-Land Service, Inc.

Synopsis: The proposed amendment would make changes relating to independent action providing for a reduction in the 30 day notice period to a minimum of 10 days.

Agreement No. 202-005700-035.

Title: New York Freight Bureau Conference Agreement.

Parties:

Barber Blue Sea Line, Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Line, Ltd., A.P. Moller-Maersk Line, Nippon Yusen Kaisha, United States Lines, Inc., Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment substitutes a new article relating to independent action with a minimum

notice period of 10 days in the basic agreement.

Agreement No. 202-008190-014.

Title: Japan-Puerto Rico and Virgin Islands Freight Conference.

Parties:

Japan Line, Ltd. Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would add new articles with provisions governing consultation, shipper's requests and complaints and independent action with a minimum of 10 days' notice to the basic agreement.

Dated: June 25, 1984.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,
Assistant Secretary.

[FR Doc. 84-17216 Filed 6-27-84; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the The Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, The Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 213-010601.

Title: NOL—OOCL Sailing and Space Charter Agreement.

Parties:

Neptune Orient Lines, Ltd.
Orient Overseas Container Line, Inc.

Synopsis: The proposed agreement provides for the rationalization of sailing schedules and service levels, the exchange of container space, mutual determination of container liner services to be initiated by the parties, joint advertising, and the joint use of (and negotiation for) terminal facilities and services in the trade between ports and points in the United States, on the one hand, and ports and points in Korea, the Republic of China, the Peoples' Republic

of China, Hong Kong, Japan, Thailand, Malaysia, Singapore, Indonesia, the Philippines and Australia, on the other.
Agreement No.: 207-010602.

Title: Westwood Transpacific Service.
Parties:

Partrederiet Hoegh Minerva.
Partrederiet Hoegh Miranda.
Westwood Shipping Lines, Inc.

Synopsis: The proposed agreement establishes a joint cargo service in the trade between various inland points in the United States via ports in the northwest United States to British Columbia range, on the one hand, and ports in the Japan to Korea range, on the other.

Agreement No.: 217-010603.
Title: Star/ACS Space Charter

Agreement.

Parties:

Star Shipping A/S.
Atlantic Cargo Services AB.

Synopsis: The proposed agreement establishes an agreement in the trade between ports in Northern Europe and the United Kingdom, on the one hand, and ports on the United States Gulf and Atlantic coasts, on the other, whereby Star, on a "space available" basis, will make space available to ACS for the carriage of containers and general cargo.

By Order of the The Federal Maritime Commission.

Dated: June 25, 1984.

Bruce A. Dombrowski,
Assistant Secretary.

[FR Doc. 84-17268 Filed 6-27-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Citicorp; 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 question 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 18, 1984.

A. Federal Reserve Bank of New York (A. Marshall Puckett Vice President) 33 Liberty Street, New York, New York 10045:

1. Citicorp, New York, New York; to engage *de novo* in acting as agent or broker for the sale of unemployment insurance directly related to extensions of credit by Citicorp subsidiaries at the locations throughout the United States.

Board of Governors of the Federal Reserve System, June 22, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-17201 Filed 6-27-84; 8:45 am]

BILLING CODE 6210-01-M

Fishkill National Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on

an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 20, 1984.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Fishkill National Corporation, Beacon, New York; to become a bank holding company by acquiring 95 percent of the voting shares of The Fishkill National Bank, Beacon, New York.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Riverlands Banchsares, Inc., LaPlace, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Riverlands National Bank in LaPlace, LaPlace, Louisiana.

C. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. NorBanc Group, Inc., Pine River, Minnesota; to acquire 94 percent of the voting shares of State Bank of Boyd, Boyd, Minnesota.

Board of Governors of the Federal Reserve System, June 22, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-17202 Filed 6-27-84; 8:45 am]

BILLING CODE 6210-01-M

United Banks of Colorado, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company list in this notice has applied under § 225.14 of the Board's Regulation Y (49 FR 794) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company

Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these 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 under 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 this application must be received not later than July 20, 1984.

A Federal Reserve Bank of Kansas City (Thomas M. Hoening, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *United Banks of Colorado, Inc.*, Denver, Colorado; to acquire 100 percent of the voting shares of United Bank of Aurora-South, Aurora, Colorado (a *de novo* bank); and to acquire Lincoln Agency, Denver, Colorado, thereby engaging in offering credit life and credit health and accident insurance in connection with credit extensions made by existing and future credit granting subsidiaries of United Banks of Colorado, Inc.

Board of Governors of the Federal Reserve System, June 22, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-17203- Filed 6-27-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Eligibility to Use GSA Sources of Supply and Services

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The Federal Property and Administrative Services Act of 1949, as amended, authorizes the Administrator to procure and supply personal property and nonpersonal services for executive agencies and certain other eligible activities. The definitions of those activities and the criteria to determine eligibility are contained in the following order. (ADM 4800.2).

ADDRESS: Office of Federal Supply and Services (FFY), General Services Administration, Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Bonnie Collings (FFY) telephone (703) 557-7990.

SUPPLEMENTARY INFORMATION: The following GSA order provides guidelines and procedures for various activities using GSA sources of supply and services. Only those activities determined eligible under the criteria contained in this order may use GSA contracts. Except for the District of Columbia, State and local governments and municipalities may not use GSA sources of supply unless they qualify for eligibility pursuant to paragraph 7 d or e of this order.

Dated: June 18, 1984.

James J. Grady, Jr.,

Director of Policy and Agency Assistance.

GSA Order

SUBJECT: Eligibility to use GSA sources of supply and services

1. *Purpose.* This order provides definitions and listings of those agencies and other activities eligible to use GSA sources of supply and services, and identifies those that may be made mandatory users.

2. *Cancellation.* FSS 4800.11G is canceled.

3. *Nature of revision.* This revision expands the definition in par. 5, below, to include all GSA sources of supply and services and updates the listings of organizations determined eligible to use these sources.

4. *General.* The Federal Property and Administrative Services Act of 1949, as amended, authorizes the Administrator to procure and supply personal property and nonpersonal services for Federal agencies, mixed-ownership Government corporations, as identified in the Government Corporation Control Act,

and the District of Columbia. Additional activities eligible to use GSA sources include certain Government contractors which are authorized to do so by the Federal agencies controlling or administering their contracts, certain forest firefighting organizations which hold cooperative agreements with the U.S. Department of Agriculture, and certain international organizations which have been determined eligible by the Department of State. Other activities or organizations may be eligible by reason of enabling statutes or special authority.

5. *Definition.* GSA sources of supply and services are defined as those support programs administered by GSA and prescribed in the Federal Property Management Regulations (FPMR) Parts 101-26 Procurement Sources and Programs, 101-39 Interagency Motor Pools, 101-40 Transportation and Traffic Management, 101-42 Property Rehabilitation Services and Facilities, 101-43 thru 101-46, 101-48, and 101-49 Utilization and Disposal Programs, and 101-35 thru 101-37 ADP and Telecommunications, and in the Federal Information Resources Management Regulation (FIRM) Parts 201-4, 205-35, 201-36, and 201-37.

6. *Authority to use GSA sources of supply and services.* The authority to use, or to be made a mandatory user of, GSA sources of supply and services is founded in statute (see par. 7).

7. *Eligible activities.* The majority of organizations eligible to use GSA sources of supply and services are covered by the provisions of the Federal Property and Administrative Services Act of 1949, as amended, hereafter known as the Property Act. Definitions of these organizations follow. It should be noted however, that because an organization may be eligible to use these sources of supply and services, it does not necessarily mean that it would always be practical for GSA to make them available.

a. *Executive agencies.* Sections 201(a) and 211(b) of the Property Act provide that executive agencies may use GSA sources of supply and services, and that they may be made mandatory users. Executive agencies, as defined in sec. 3(a), include:

(1) *Executive departments.* These are the cabinet departments defined in 5 U.S.C. 101 and are listed in appendix A.

(2) *Wholly-owned Government corporations.* These are defined in 31 U.S.C. 9101 and are listed in appendix A.

(3) *Independent establishments in the executive branch of the Government.* These are generally defined by 5 U.S.C. 104. However, it is often necessary to

consult specific statutes, legislative histories, and other references to determine whether a particular establishment is within the executive branch. To the extent that GSA has made such determinations, the organizations qualifying under this authority are listed in appendix A.

b. *Other Federal agencies, mixed-ownership Government corporations, and the District of Columbia.* Sections 201(b) and 211(b) of the Property Act authorize the Administrator of General Services to provide GSA sources of supply and services to these organizations upon request. These organizations may not be made mandatory users. However, supply and services covered by the provisions of Section 111 of the Property Act (automatic data processing) may be made mandatory.

(1) *Other Federal agencies.* Other Federal agencies are those defined in section 3(b) of the Property Act which are not in the executive branch; i.e., any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under their direction). To the extent that GSA has made such determinations, the organizations qualifying under this authority are listed in appendix B.

(2) *Mixed-ownership Government corporations.* These are included in sections 201(b) and 211(b) of the Property Act and are defined in 31 U.S.C. 9101. They are listed in appendix B.

(3) *District of Columbia.* The Government of the District of Columbia is eligible to use GSA sources of supply and services. The Government of the District of Columbia, and those parts thereof which have been determined by GSA to be eligible to use its sources of supply and services, are listed in appendix B.

c. *The Senate, House of Representatives, and activities under the direction of the Architect of the Capitol.* These organizations are eligible to use GSA sources of supply and services, pursuant to sec. 602(e) of the Property Act, upon request. They may not be made mandatory users. To the extent that GSA has determined that various activities qualify under this authority, they are listed in appendix B.

d. *Other organizations authorized pursuant to the authority of the Property Act.* GSA has further determined, pursuant to the Property Act, that three other types of organizations are eligible to use its sources of supply and services.

(1) *Cost reimbursement-type contractors (and their subcontractors)*

as properly authorized. Part 51 of the Federal Acquisition Regulations provides that agencies may authorize certain prime contractors (generally cost reimbursement contractors) to use GSA schedules and GSA stock. In turn, such contractors may authorize their subcontractors. In each case, the written authorization must conform to the requirements of FAR Part 51. Subpart 51.2 prescribes policies and procedures governing Federal agencies in authorizing cost reimbursement contractors to obtain interagency motor pool vehicles and related services.

(2) *Fixed-price contractors (and subcontractors) purchasing security equipment.* Pursuant to sec. 201 of the Property Act, the Administrator has determined that fixed-price contractors and lower tier subcontractors who are required to maintain custody of security classified records and information may purchase security equipment from GSA. Procedures regarding these organizations are set forth in FPMR 101-26.507 and 101-26.407.

(3) *Non-Federal firefighting organizations cooperating with the Forest Service.* Pursuant to sec. 201 of the Property Act, it has been determined that certain non-Federal firefighting organizations may purchase wildfire suppression equipment and supplies from FSS (Article V, Agreement No. FSS 79-1, August 27, 1979).

(4) *Department of the Interior, Bureau of Indian Affairs.* Pursuant to a Memorandum of Understanding between the Department of the Interior and the General Services Administration (FSS-83-3) and Pub. L. 93-838, tribal Government grantees of the Bureau of Indian Affairs may use GSA sources of supply and services.

e. *Other statutes.* Other statutes authorize specific organizations to use GSA sources of supply and services. These organizations are listed in appendix B, with appropriate annotations. The major categories of such organizations include:

(1) *Certain charitable institutions.* Pursuant to Pub. L. 95-355, the following activities are eligible to use GSA supply sources and are also listed in appendix B:

- (a) Howard University;
- (b) Gallaudet College;
- (c) National Technical Institute for the Deaf; and
- (d) American Printing House for the Blind.

(2) *Certain territories.* Certain territories of the United States, as indicated in appendix B, are eligible to use GSA sources of supply and services. (Note: This authority has historically depended on the authorizing provisions

being reenacted in the annual Appropriations Act for the Department of Interior; should any questions arise, consult with the GSA Procurement Law Division (LP) to ascertain the current status of such authority.)

(3) *Foreign entities.* Section 607 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2357, provides that the President may authorize certain countries and organizations to use GSA sources of supply and services as part of the foreign policy of the United States. To the extent that the Department of State has made determinations of behalf of the President, they are included in appendix C. Purchases made by international organizations through GSA sources of supply and services shall be for civilian use only.

(4) *Nonappropriated fund activities.* FPMR 101-26 provides that military commissaries and nonappropriated fund activities may use GSA sources of supply and services for their own use, not for resale, unless otherwise authorized by the individual Federal agency and concurred in by GSA.

8. *Ineligible activities.* Except for the acquisition of excess personal property through sponsoring agencies, Federal grantees are ineligible to use GSA sources of supply and services.

9. *Excess, surplus, and forfeited property.* The eligibility of activities and organizations to obtain supplies and services from GSA's personal property utilization and disposal programs is governed by FPMR Parts 101-43 thru 101-46, 101-48 and 101-49, and not by this order.

10. *Determination of eligibility.* Activities or organizations other than those covered in the appendices to this order may be eligible to use GSA sources of supply and services. Requests to use these services received from activities or organizations whose eligibility is in question shall be forwarded to the Office of Policy and Agency Assistance (FF), Attention: Regulations Management Division (FFY), for determination.

Ray Kline,

Acting Administrator.

Appendix A—Executive Agencies

The following have been determined to be "Executive agencies," or parts thereof, for the purpose of using GSA sources of supply and services. This list is not all-inclusive; other activities also may be eligible to use GSA sources. The eligibility of these will be ruled upon by GSA on a case-by-case basis (see par. 10). Listed here are major Federal activities and their subordinate entities about which we have received inquiries.

Action

Agency for International Development (AID)
 Agriculture, Department of
 Air Force, Department of the
 Alaska Natural Gas Transportation System
 American Battle Monuments Commission
 Army Corps of Engineers
 Army, Department of the
 Board for International Broadcasting
 Bureau of Land Management
 Central Intelligence Agency
 Civil Aeronautics Board
 Commerce, Department of
 Commission on Civil Rights
 Commission of Fine Arts
 Commodity Credit Corporation
 Commodity Futures Trading Commission
 Consumer Product Safety Commission
 Defense, Department of
 Defense Agencies and Joint Service Schools
 Education, Department of
 Energy, Department of
 Environmental Protection Agency
 Equal Employment Opportunity Commission
 Executive Office of the President
 Export-Import Bank of the U.S.
 Farm Credit Administration
 Federal Communications Commission
 Federal Crop Insurance Corporation
 Federal Election Commission
 Federal Emergency Management Agency
 Federal Home Loan Bank Board
 Federal Labor Relations Authority
 Federal Maritime Commission
 Federal Mediation and Conciliation Service
 Federal Mine Safety and Health Review
 Commission
 Federal Prison Industries, Inc.
 Federal Savings and Loan Insurance
 Corporation
 Federal Trade Commission
 Forest Service, U.S.
 General Services Administration
 Government National Mortgage Association
 Health and Human Services, Department of
 Housing and Urban Development,
 Department of
 Inter-American Foundation
 Interior, Department of the
 Interstate Commerce Commission
 Justice, Department of
 Kennedy Center
 Labor, Department of
 Legal Services Corporation (not its grantees)
 Merit Systems Protection Board
 National Aeronautics and Space
 Administration
 National Credit Union Administration (not
 individual credit unions)
 National Endowment of the Arts
 National Endowment for the Humanities
 National Labor Relations Board
 National Mediation Board
 National Science Foundation
 National Transportation Safety Board
 Navy, Department of the
 Nuclear Regulatory Commission
 Occupational Safety and Health Review
 Commission
 Office of Personnel Management
 Overseas Private Investment Corporation
 Panama Canal Commission
 Pennsylvania Avenue Development
 Corporation
 Pension Benefit Guaranty Corporation
 Postal Rate Commission

Railroad Retirement Board
 St. Elizabeths Hospital
 St. Lawrence Seaway Development
 Corporation
 Securities and Exchange Commission
 Selective Service System
 Small Business Administration
 Smithsonian Institution
 State, Department of
 Tennessee Valley Authority
 Transportation, Department of
 Treasury, Department of the
 U.S. Arms Control and Disarmament Agency
 U.S. Information Agency
 U.S. International Development Cooperation
 Agency
 U.S. International Trade Commission
 Veterans Administration

Appendix B—Other Eligible Users

The following have been determined to be eligible to use GSA sources of supply and services, in addition to the organizations listed in appendices A and C. An asterisk indicates that special limitations may apply (see subpar. 7e(2)). This list is not all-inclusive; other activities also may be eligible to use GSA sources. The eligibility of these will be ruled upon by GSA on a case-by-case basis (see par. 10).

Administrative Conference of the U.S.
 Administrative Office of the U.S. Courts
 Advisory Commission on Intergovernmental
 Relations
 American Printing House for the Blind
 American Samoa, Territorial and Local
 Governments of*
 Architect of the Capitol
 Central Bank for Cooperatives
 Certain Non-Appropriated Fund Activities
 (generally, not for resale)
 Coast Guard Auxiliary (through the Coast
 Guard)
 Contractors and Subcontractors—Cost-
 Reimbursement Type (as authorized)
 Contractors and Subcontractors—Fixed Price
 (security equipment only)
 Courts, Federal (not court reporters)
 Delaware River Basin Commission
 District of Columbia, Government of
 Farm Credit Banks (each case must be
 individually reviewed)
 Federal Deposit Insurance Corporation
 Federal Home Loan Banks
 Federal Intermediate Credit Banks
 Federal Land Banks
 Federal Reserve Board of Governors
 Firefighters, Non-Federal (as authorized by
 Forest Service)
 Gallaudet College
 General Accounting Office
 Government Printing Office
 Guam, Territorial and Local Governments of*
 House of Representatives, U.S.
 Howard University (including hospital)
 Library of Congress
 National Building Museum
 National Consumer Cooperative Bank
 National Gallery of Art
 National Guard Activities (only through U.S.
 Property and Fiscal Officers)
 National Railroad Passenger Corporation
 (i.e., AMTRAK)
 Northern Mariana Islands, Commonwealth of
 the Territorial and Local Governments*
 Regional Banks for Cooperatives

Senate, U.S.
 Susquehanna River Basin Commission
 Trust Territory of the Pacific Islands,
 Government of*
 U.S. Postal Service
 U.S. Railway Association
 U.S. Representative, Office of Joint Economic
 Commission, CENPRO Project, Saudi
 Arabia (when Saudi Government cannot
 supply)
 U.S. Soldiers' and Airmen's Home
 U.S. Synthetic Fuels Corporation
 Virgin Islands, Territorial and Local
 Governments of (including Virgin Islands
 Port Authority)*
 Washington Metropolitan Area Transit
 Authority

Appendix C—International Organizations

The following have been determined to be eligible to use GSA sources of supply and services, in addition to the organizations listed in appendices A and B. This list is not all-inclusive; other activities also may be eligible to use GSA sources. The eligibility of these will be ruled upon by GSA on a case-by-case basis (see par. 10).

African Development Fund
 Asian Development Bank
 Caribbean Organization
 Customs Cooperation Council
 Food and Agriculture Organization of the
 United Nations
 Great Lakes Fishery Commission
 Inter-American Defense Board
 Inter-American Development Bank
 Inter-American Institute of Agricultural
 Sciences
 Inter-American Statistical Institute
 Inter-American Tropical Tuna Commission
 Intergovernment Maritime Consultative
 Organization
 International Atomic Energy Agency
 International Bank for Reconstruction and
 Development (World Bank)
 International Boundary Commission-United
 States and Canada
 International Boundary and Water
 Commission-United States and Mexico
 International Center for Settlement of
 Investment Disputes
 International Civil Aviation Organization
 International Coffee Organization
 International Cotton Advisory Committee
 International Development Association
 International Fertilizer Development Center
 International Finance Corporation
 International Hydrographic Organization
 International Joint Commission-United States
 and Canada
 International Labor Organization
 International Monetary Fund
 International Pacific Halibut Commission
 International Pacific Salmon Fisheries
 Commission-Canada
 International Telecommunications Satellite
 Organization
 International Telecommunication Union
 International Wheat Council
 Lake Ontario Claims Tribunal
 Organization of African Unity (OAU)
 Organization of American States
 Organization for Economic Cooperation and
 Development
 Pan American Health Organization

Radio Technical Commission for Aeronautics
South Pacific Commission
United International Bureau for the
Protection of Intellectual Property
United Nations
United Nations Educational, Scientific and
Cultural Organization
Universal Postal Union
World Health Organization
World Intellectual Property Organization
(WIPO)
World Meteorological Organization

[FR Doc. 84-17181 Filed 6-27-84; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83D-0360]

Radioactive Drugs; Revocation of Interim Enforcement Policy and Notice of Availability of a Guideline for Nuclear Pharmacies Describing Activities That Require Registration as a Drug Establishment

Correction

In FR Doc. 84-16160 beginning on page 24949, in the issue of Monday, June 18, 1984, make the following correction.

On page 24950, third column, line 4, the date, "September 6, 1984," should read "December 17, 1984."

BILLING CODE 1505-01-M

National Institutes of Health

National Cancer Institute; Meetings for the Review of Grant Applications and Contract Proposals

Pursuant to Pub. L. 92-463, notice is hereby given for meetings of several committees of the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for review, discussion and evaluation of individual grant applications or contract proposals. These applications or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with

the proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of meetings and rosters of committee members upon request. Other information pertaining to the meetings can be obtained from the Executive Secretary indicated.

Name of Committee: Cancer Regional Studies Review Committee.

Dates: July 12-13, 1984.

Place: National Institutes of Health, Building 31C, Conference Room 9, 9000 Rockville Pike, Bethesda, MD 20205.

Times: Open: July 12, 8:30 a.m.-9:00 a.m.

Agenda: A review of administrative details.

Closed: July 12, 9:00 a.m.—recess. July 13,

8:30 a.m.—adjournment.

Closure reason: To review grant applications.

Executive Secretary: Ms. Cynthia Sewell, Westwood Building, Room 821, National Institutes of Health, Bethesda, MD 20205, Phone: 301/496-2853.

Name of Committee: Clinical Trials Committee.

Dates: July 23-25, 1984.

Place: National Institutes of Health, Building 31C, Conference Room 9, 9000 Rockville Pike, Bethesda, MD 20205.

Times: Open: July 23, 9:00 a.m.-9:30 a.m.

Agenda: A review of administrative details.

Closed: July 23, 9:30 a.m.—recess. July 24,

9:00 a.m.—recess July 25, 9:00 a.m.—

Adjournment.

Closure reason: To review contract proposals.

Executive Secretary: Dr. Richard A. Rhoden, Westwood Building, Room 804, National Institutes of Health, Bethesda, MD 20205 Phone: 301/496-7030.

Name of Committee: Biometry and Epidemiology Contract Review Committee.

Dates: July 26-27, 1984.

Place: National Institutes of Health, Building 31C, Conference Room 7, 9000 Rockville Pike, Bethesda, MD 20205.

Times: Open: July 26, 9:00 a.m.-9:30 a.m.

Agenda: A review of administrative details.

Closed: July 26, 9:30 a.m.—recess. July 27,

9:00 a.m.—adjournment.

Closure reason: To review contract proposals.

Executive Secretary: Dr. Wilna Woods, Westwood Building, Room 807, National Institutes of Health, Bethesda, MD 20205 Phone: 301/496-7153.

Name of Committee: Cancer Therapeutics Program Project Review Committee.

Dates: August 6-7, 1984.

Place: National Institutes of Health, Building 31C, Conference Room 8, 9000 Rockville Pike, Bethesda, MD 20205.

Times: Open: August 6, 8:30 a.m.-9:00 a.m.

Agenda: A review of administrative details.

Closed: August 6, 9:00 a.m.—recess. August

7, 8:30 a.m.—adjournment.

Closure reason: To review grant applications.

Executive Secretary: Dr. Eric R. Jurrus, Westwood Building, Room 834, National Institutes of Health, Bethesda, MD 20205 Phone: 301/496-2330.

Dated: June 18, 1984.

Betty J. Beveridge,
Committee Management Officer, NIH.

[FR Doc. 84-17347 Filed 6-27-84; 8:45 am]

BILLING CODE 4140-01-M

Ad Hoc Working Group To Develop Radioepidemiological Tables; Reestablishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the National Institutes of Health announces the reestablishment of the Ad Hoc Working Group to Develop Radioepidemiological Tables.

Section 7(b) of Pub. L. 97-414 directs the Secretary, HHS, to devise and publish radioepidemiological tables that estimate the likelihood that persons with any radiation-related cancer who received specific radiation doses before the onset of the cancer developed the disease as a result of such exposure.

In carrying out this mandate, the Secretary has reestablished the Ad Hoc Working Group to Develop Radioepidemiological Tables comprised of scientific experts whose qualifications will insure a thorough, competent, and timely completion of the task.

Authority for this committee shall terminate on May 15, 1985, unless the Secretary, HHS, formally determines that continuance is in the public interest.

Dated: June 21, 1984.

James B. Wyngaarden, M.D.,
Director, National Institutes of Health.

[FR Doc. 84-17348 Filed 6-27-84; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Office of Manufactured Housing and Regulatory Functions; Order of Suspension; Interstate Land Sales

[Docket No. N-84-1403; FR-1991]

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, Office of Manufactured Housing and Regulatory Functions, HUD.

ACTION: Order of Suspension.

SUMMARY: The Department is issuing an Order of Suspension to each developer listed on the attached Appendix. These developers have failed to either file amendments to their registrations or file documentation establishing that no such amendments were necessary. The Order of Suspension is issued pursuant to the Interstate Land Sales Full Disclosure Act.

EFFECTIVE DATE: June 28, 1984.

FOR FURTHER INFORMATION CONTACT:

Roger G. Henderson, Chief, Land Sales Enforcement Branch, Department of Housing and Urban Development, Room 4116, Washington, D.C. 20410. Telephone: (202) 755-5989.

SUPPLEMENTARY INFORMATION:

The Office of Manufactured Housing and Regulatory Functions gives public notice of its attempt to serve upon certain persons at their last known address a notice requiring revisions to their Statement of Record. Although service of notice by certified mail was attempted in accordance with 24 CFR 1720.170, it was not possible. Consequently, on February 9, 1984, the Department of Housing and Urban Development, pursuant to 44 U.S.C. 1508, published in the *Federal Register* a Notice of Proceedings and Opportunity for Hearing (49 FR 4993) effecting constructive notice on certain developer respondents. The notice informed these persons of omissions of material provisions required by law in their Statement of Record and Property Reports, and advised them of their rights to request a hearing within 15 days of publication of the notice. More than 15 days have now elapsed since the publication of the notice and the persons listed in the attached Appendix and referred to in the Order of Suspension as "Developer" have not requested a hearing; therefore, the Department is required to issue this Order of Suspension.

Order of Suspension

1. The developer being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record and Property Report covering its subdivision which became effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the

authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Secretary or designee.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Secretary or designee at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Secretary or designee may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the *Federal Register* on February 9, 1984 informing the developer of information obtained by the Office of Manufactured Housing and Regulatory Functions stating an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the developer's Statement of Record. The developer was constructively notified of its right to request a hearing and that if it failed to request a hearing it would be deemed in default and proceedings would be decided against it, the allegations of which would be determined to be true. The developer has failed to answer or to request a hearing pursuant to 24 CFR 1720.220 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) the Statement of Record filed by the developer covering its subdivision is hereby suspended, effective as of June 28, 1984. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Pursuant to 44 U.S.C. 1508, service of this order upon the respondent is constructively noticed by publication of this order in the *Federal Register*.

Unless otherwise exempt any sales or offers to sell made by the developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Dated: June 20, 1984.

Shirley M. Wiseman,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

Appendix

The captioned matters in this Appendix are listed alphabetically by subdivision in each State. The list contains the name of the subdivision, developer, representative and title, OILSR number and Land Sales Enforcement Branch Docket number.

Arizona

Sunset Hills, M. W. Longstreth, Vice-President and Village of Oak Creek, Respondent, OILSR No. 0-03567-02-695, 82-86-IS.

Colorado

Glens of Dacona, Emco Development Co., Inc., Respondent, OILSR No. 0-02605-05-281, 83-66-IS.

Florida

Blue Water Trailer Village Section 4, Andrew Murphy, Authorized Agent-Respondent OILSR No. 0-04458-09-116, 83-62-IS.

Citrus Lakes, Interlachen Lakes Estates, Inc., S. Philip Malspeis, President-Respondent, OILSR No. 0-01529-09-446 and (A), 82-98-IS.

Kentucky

Agape Shores, John L. & Katherine E. O'Banion, Owners, OILSR No. 0-03955-20-62, 82-109-IS.

Anderson Shores, Anderson Shores, Inc., Buddy Spann, President, OILSR No. 0-04231-20-71, 83-51-IS.

Missouri

Pine Hill Subdivision, Neil Land Development Company, Inc., Edward M. Welton, President-Respondent, OILSR No. 0-01504-29-62, 82-57-IS.

North Carolina

Land of Lakes, First American Land Corporation, Martin I. Price, President-Respondent, OILSR No. 0-02539-38-123, 82-115-IS.

Oregon

Malheur Lake Ranches, Malheur Lake Ranches, Co., Norman B. Conkle, President-Respondent, OILSR No. 0-03617-43-47, 83-7-IS.

Pennsylvania

Wilderness Acres, Dupont Mutual, Inc., Donald C. Simpson, President-Respondent, OILSR No. 0-03321-44-232, 83-57-IS.

Texas

Kerrville Hills Country Club, Kerrville Hills Development Company, Robert E. Owens, President-Respondent, OILSR No. 0-01460-49-54, 83-8-IS.

Villa Conquistador No. 1, NCOA Communities, John L. Griffins, Jr., President-Respondent, OILSR No. 0-02824-49-261, 83-12-IS.

Utah

Scottsville Subdivision, Bonneville Investments, Inc., L. M. Sproul, President-Respondent, OILSR No. 0-04777-52-106, 83-68-IS.

Washington

Paradise Lakes Country Club, Gulf Land Company, Thomas E. Isenhardt, President-Respondent, OILSR No. 0-00423-56-5 and (A), (B), (XA), 83-3-IS.

Reintree, Reintree Corporation, George Samuels, President-Respondent, OILSR No. 0-04395-56-141, 83-22-IS.

[FR Doc. 84-17291 Filed 6-27-84; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Presidential Commission on Indian Reservation Economies; Working Session

AGENCY: Presidential Commission on Indian Reservation Economies.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the Presidential Commission on Indian Reservation Economies (PCIRE) announces its forthcoming work session.

DATE: July 14-21, 1984. Work sessions will generally begin at 9:00 a.m.

Place: Keystone Center, Keystone, Colorado.

Purpose: To review hearing transcript analyses and other staff work products analyzing obstacles to Indian economic development.

Status: Work sessions will be open to the public but limited to the space available.

SUPPLEMENTARY INFORMATION: The Presidential Commission on Indian Reservation Economies is authorized under Executive Order 12401 and as amended by Executive Order 12442.

FOR FURTHER INFORMATION CONTACT: Further information may be obtained by contacting Eric Rudert, Deputy Director, PCIRE, at 1717 H Street, Northwest, Suite 765, Washington, D.C. 20006. Telephone: 202-653-2436.

Eric Rudert,

Deputy Director, Presidential Commission on Indian Reservation Economies.

[FR Doc. 84-17026 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[A-18606]

Arizona; Exchange of Mineral Estate; Correction

By publication in the **Federal Register** Vol. 49, No. 98 of Friday, May 18, 1984, on pages 21122-21124, notice was given of the exchange of mineral estate between the United States and the State of Arizona, and the opening of the mineral estate received by the United States to location and entry under the United States mining laws. The opening is to be effective at 10:00 a.m. on June 22, 1984.

The purpose of this notice is to correct the May 18, 1984 notice to specify that section 16, T. 20 N., R. 20 W., does not become open to location and entry under the United States mining laws on June 22, 1984.

Dated: June 21, 1984.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-17167 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-32-M

[A-18606]

Arizona; Exchange of Mineral Estate; Correction

The following corrections are made in **Federal Register** Document No. 84-13437 appearing on pages 21122-21124 in the issue of May 18, 1984:

1. On Page 21123, lower half of the third column, the legal description should read as follows:

T. 23 N., R. 19 W.,
Sec. 2, Lots 1-4, incl., S $\frac{1}{2}$ †NW $\frac{1}{4}$, S $\frac{1}{2}$;
T. 24 N., R. 20 W.,
Sec. 32, All.

2. On Page 21124, first column, the third and fourth lines are corrected to read as follows:

Sec. 32, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ †SE $\frac{1}{4}$, SW $\frac{1}{4}$ †SE $\frac{1}{4}$;
Dated: June 21, 1984.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-17166 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-32-M

Idaho Conveyance of Public Lands

June 20, 1984.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713); patents were issued to the following:

Whitworth Ranches, Inc., for the following-described public land:

Boise Meridian, Idaho

T. 15 N., R. 22 E.,
Sec. 7, lot 4.

Containing 39.78 acres.

Jack W. Klossner and June M. Klossner for the following-described public land:

Boise Meridian, Idaho

T. 3 S., R. 41 E.,
Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 40.00 acres.

R.C. Rich Sheep Company for the following-described public land:

Boise Meridian, Idaho

T. 5 S., R. 40 E.,
Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Containing 40.00 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyances.

Louis B. Bellesi,

Deputy State Director for Operations

[FR Doc. 84-17165 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-GG-M

Combined Hydrocarbon Development; Intent To Prepare an Environmental Assessment for Tar Sand Development in the Pariette Special Tar Sand Area, Bookcliffs Resource Area, Vernal District, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an environmental assessment for tar sand development in the Pariette Special Tar Sand Area, Bookcliffs Resource Area, Vernal District, Utah.

SUMMARY: This notice announces the intent of the Vernal District, Utah, Bureau of Land Management, to prepare an environmental assessment for potential tar sand development in the Pariette Special Tar Sand Area. The developer would be Enserch Exploration, Inc. Enserch proposes to recover 150 barrels of oil per day using in-situ combustion methods. The development would occur on the following locations:

Salt Lake Meridian, T.9S, R.17E, Section 3, Lots 2-4, S $\frac{1}{2}$ N $\frac{1}{2}$; Salt Lake Meridian, T.8S, R.17E, Section 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$; Section 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 34, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; containing a total of 479.57 acres.

The potential effects upon the following resources will be analyzed: air quality, cultural resources, minerals, paleontology, socioeconomics, soils,

vegetation, visual resources, watershed and wildlife.

The above is a tentative list of the general issues to be addressed. Written comments regarding additional general or specific issues will be received through August 15, 1984.

The address for comments or information is: Bureau of Land Management, Area Manager, Bookcliffs Resource Area, 170 South 500 East, Vernal, Utah 84078, (801) 789-1362.

The Draft Environmental Assessment is scheduled for publication on January 15, 1985. Copies will be available upon request.

Dated: June 22, 1984.

Lloyd H. Ferguson,
District Manager.

[FR Doc. 84-17164 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-DQ-M

New Mexico: Realty Action; Conveyance

AGENCY: Bureau of Land Management (BLM), Las Cruces District, New Mexico.

ACTION: Conveyance of Public Lands Purchased by Competitive Sale.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), William and Margaret Kambitch, Rodeo, New Mexico 88056, purchased by competitive sale, public lands in Hidalgo County described as:

New Mexico Principal Meridian, New Mexico

T. 30 S., R. 22 W.,

Sec. 11: Lots 1 to 4, inclusive;

Sec. 14: Lots 1 to 4, inclusive.

The parcel contains 96.00 acres. The purpose of the Notice is to inform the public and interested State and local governmental officials of the issuance of conveyance document to Mr. and Mrs. Kambitch on December 28, 1983.

Tim Read,

Acting Area Manager, Las Cruces/Lordsburg Resource Area.

[FR Doc. 84-17163 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-FB-M

[A-18822]

Public Land Sale; Mohave County, Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action—Sale, Public Lands in Mohave County, Arizona.

SUMMARY: Through the Bureau of Land Management planning process the following described lands have been

identified as suitable for disposal under section 203(a) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750, 43 U.S.C. 1713). The lands will be offered for sale at not less than the appraised fair market value indicated below:

Gila and Salt River Meridian

Parcel	Legal description	Acres	Appraised value
U	T. 21 N., R. 18 W., Sec. 34, NE $\frac{1}{4}$	160	\$16,000
V	T. 21 N., R. 18 W., Sec. 34, NW $\frac{1}{4}$	160	12,000
W	T. 21 N., R. 18 W., Sec. 34, SW $\frac{1}{4}$	160	12,000
X	T. 21 N., R. 18 W., Sec. 34, SE $\frac{1}{4}$ (except W $\frac{1}{2}$ SW $\frac{1}{4}$ > SW $\frac{1}{4}$ SE $\frac{1}{4}$)	155	11,625
Y	T. 20 N., R. 18 W., Sec. 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	10,000
Z	T. 20 N., R. 18 W., Sec. 13, SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	10,000
AA	T. 20 N., R. 18 W., Sec. 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	10,000
AB	T. 20 N., R. 18 W., Sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	7,000
AC	T. 20 N., R. 18 W., Sec. 14, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	7,500
AD	T. 19 N., R. 18 W., Sec. 8, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$	560	56,000
AE	T. 18 N., R. 18 W., Sec. 2, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	824.32	46,800
AF	T. 25 N., R. 19 W., Sec. 8, lots 1-5, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$	316.69	55,400
AG	T. 25 N., R. 19 W., Sec. 8, lots 6, 7, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	317.79	63,500
AH	T. 25 N., R. 19 W., Sec. 8, N $\frac{1}{2}$	320	64,000
AI	T. 25 N., R. 19 W., Sec. 8, W $\frac{1}{2}$ SW $\frac{1}{4}$	80	20,000
AJ	T. 25 N., R. 19 W., Sec. 8, E $\frac{1}{2}$ SW $\frac{1}{4}$	80	20,000
AK	T. 25 N., R. 19 W., Sec. 8, W $\frac{1}{2}$ SE $\frac{1}{4}$	80	20,000
AL	T. 25 N., R. 19 W., Sec. 8, E $\frac{1}{2}$ SE $\frac{1}{4}$	80	22,000

Comprising 3,283.80 acres, more or less.

The mineral estate under all parcels except Parcel AE, is owned by the United States. The mineral estate under Parcel AE, is owned by the State of Arizona. Mineral reports indicate that the lands have no known mineral value except possibly for oil and gas. Oil and gas will be reserved to the United States in the patents where applicable. The declared high bidders will be required to submit a \$50.00 non-returnable filing fee for the acquisition of the remainder of the mineral estate.

The method of sale will be by sealed bid. Sealed bids must be received in the BLM Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401, not later than 4:30 p.m. on September 4, 1984. Bids must be accompanied by not less than twenty percent (20%) of the bid price. Parcels not sold by close of business September 4, 1984, will be available for purchase over-the-counter at the above location and at the BLM Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

All parcels will be patented subject to the following reservations:

Excepting and reserving to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890 (26 Stat. 391; U.S.C. 945).

2. All the oil and gas in the land, and to it or persons authorized by it, the right to prospect for, mine, and remove the same (except parcel AE).

The following reservations will apply to the indicated parcels:

1. Subject to such restrictions as may be imposed by the County Floodplain Administrator in accordance with the "Amended Floodplain Regulation for the Unincorporated Area of Mohave County, Arizona," as adopted by the Mohave County Board of Supervisors by Resolution No. 82-1 of May 17, 1982, and recorded in Book 824, page 895 of Official Records, Mohave County, Arizona (Parcels: U, V, W, X, AB, AD, AE, AF, AI, AJ, AK, AL).

2. Subject to a right-of-way for road purposes for the Mohave County Board of Supervisors under R.S. 2477 (43 U.S.C. 932), as adopted by the Mohave County Board of Supervisors by Resolution No. 947 of August 19, 1974, and recorded in Book 380, page 874 of Official Records, Mohave County, Arizona (Parcels: AA, AB, AI, AJ, AK, AL).

3. Subject to a right-of-way for road purposes for the Mohave County Board of Supervisors under R.S. 2477 (43 U.S.C. 932), as adopted by the Mohave County Board of Supervisors by Resolution No. 348 of October 3, 1966, and recorded in Book 125, pages 271-273 of Dockets, Mohave County, Arizona (Parcels: U, V, W, X).

4. Reserving right-of-way A-16998, for electric transmission line purposes for Citizens Utilities Company under Title V, Section 501 of the Act of October 21, 1976 (43 U.S.C. 1767) (Parcels Y, Z, AA).

5. Subject to right-of-way PHX-034352, for electric transmission line purposes for Citizens Utilities Company under the Act of February 15, 1901 (31 Stat. 790, as amended; 43 U.S.C. 959) (Parcels Y, Z, AA).

6. Subject to right-of-way PHX-079765, for telephone purposes for Citizens Utilities Rural Company, Inc., under the Act of March 4, 1911 (36 Stat. 1253, as amended; 43 U.S.C. 961) (Parcels AA, AB).

7. Subject to right-of-way A-19018, A-19019, A-19020, and A-19006 for road purposes for the Mohave County Board of Supervisors under Title V, Section 501 of the Act of October 21, 1976 (43 U.S.C. 1767) (Parcel AD).

8. Subject to right-of-way A-19021 and A-19022 for road purposes for the Mohave County Board of Supervisors under Title V, section 501 of the Act of October 21, 1976 (43 U.S.C. 1767) (Parcel AE).

9. Subject to right-of-way A-19013, for road purposes for the Mohave County Board of Supervisors under Title V, section 501 of the Act of October 21, 1976 (43 U.S.C. 1767) (Parcel AF).

10. Subject to right-of-way A-19014, for road purposes for the Mohave County Board of Supervisors under Title, section 501 of the Act of October 21, 1976 (43 U.S.C. 1767) (Parcels AG, AH).

11. Subject to right-of-way A-19015, for road purposes for the Mohave County Board of Supervisors under Title, section 501 of the Act of October 21, 1976 (43 U.S.C. 1767) (Parcels AF, AG).

12. Subject to right-of-way A-19016, for road purposes for the Mohave County Board of Supervisors under Title, section 501 of the Act of October 21, 1976 (43 U.S.C. 1767) (Parcels AF, AG, AH, AI).

13. Subject to right-of-way A-19017, for road purposes for the Mohave County Board of Supervisors under Title, section 501 of the Act of October 21, 1976 (43 U.S.C. 1767) (Parcels AH, AL).

14. Subject to right-of-way A-6178, for water pipeline purposes for the Mount Tipton Water Company, Inc., under the Act of February 15, 1901 (31 Stat. 790, as amended; 43 U.S.C. 959) (Parcel AL).

Patents will also be issued subject to the right of the grazing lessee to continue the grazing use for a period of two years from the date of notification of sale or until the current grazing permit expires. Grazing will be in accordance with the terms and conditions of the existing grazing authorization. Grazing fees will be paid to the patentee but will not be more than the BLM grazing fee scheduled for a given year. This grazing use

authorization may be modified only by mutual agreement between the range user and the patentee. The expiration dates for the grazing use are as follows: Parcels U, V, W, X, AE, AF, AG, AH, AI, AJ, AK, AL, use right waived Parcels Y, Z, AA, AB, AC, AD, September 29, 1985

Additional information concerning these parcels, terms and conditions of the sale, and bidding instructions may be obtained by calling the Kingman Resource Area Manager at (602) 757-3161, or by writing the BLM Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

For a period of forty-five (45) days from the date of this Notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action and issue a final determination. In the absence of any action by the District Manager, this action will become the final determination of the Department of the Interior.

Dated: June 21, 1984.

Marlyn V. Jones,
District Manager.

[FR Doc. 84-17182 Filed 6-27-84; 8:45 am]
BILLING CODE 4310-32-M

[Serial Nos. I-1542, I-2835]

Idaho; Termination of Classification for Multiple-Use Management

Correction

In FR Doc. 84-12630 beginning on page 19906 in the issue of Thursday, May 10, 1984, make the following corrections:

1. On page 19906, column two, **Powder County**, line ten from the bottom should read "Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,".

2. On the same page, column three, **Bingham County**, line fifteen from the bottom should read "Sec. 34, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,".

3. On page 19907, column one, line twenty-five should read "Sec. 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$,".

4. On the same page, column one, line thirty-three should read "Sec. 27, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,".

5. On the same page, column two, **Bonneville County**, line four should read "Sec. 1, lots 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$,".

6. On the same page, column two, **Bonneville County**, line fifteen should read "Sec. 29, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,".

BILLING CODE 1505-01-M

[C-39155]

Colorado; Invitation for Coal Exploration License Application; McCoalex Inc.

Pursuant to the Mineral Leasing Act of February 25, 1920, as amended, and to Title 43, Code of Federal Regulations, Subpart 3410, members of the public are hereby invited to participate with McCoalex Inc., a Colorado corporation, in a program for the exploration of unleased coal deposits owned by the United States of America in the following described lands located in Rio Blanco County, Colorado:

T. 2 N., R. 92 W., 6th P.M.

Sec. 5, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Sec. 6, all;
Sec. 7, all;
Sec. 8, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, lots 1 and 3, and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 18, lots 5, 8, and 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 6 and 7, and W $\frac{1}{2}$ NE $\frac{1}{4}$
T. 3 N., R. 92 W., 6th P.M.
Sec. 29, lot 8, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, SE $\frac{1}{4}$;
Sec. 31, lots 1 to 4, inclusive, and E $\frac{1}{2}$;
Sec. 32, W $\frac{1}{2}$

The application for Federal Coal Exploration License is available for public inspection during normal business hours under serial number C-39155 at the BLM Colorado State Office, 1037 20th Street, Denver, Colorado and at the BLM Craig District Office, 455 Emerson Street, Craig, Colorado.

Any party electing to participate in this program must share all costs on a pro rata basis with the applicant and with any other party or parties who elect to participate. Written Notice of Intent to Participate should be addressed to the following and must be received by them within thirty (30) days after the publication of this Notice of Invitation in the **Federal Register**:

Chief, Mineral Leasing Section,
Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202, and McCoalex Inc., P.O. Box 2186, Littleton, Colorado 80161.

Evelyn W. Axelson,
Chief, Mineral Leasing Section.

[FR Doc. 84-17188 Filed 6-27-84; 8:45 am]
BILLING CODE 4310-JB-M

[OR-36685 C, OR-36685 D]

Oregon; Conveyance

Notice is hereby given that, pursuant to Section 203 and 209 of the Act of October 21, 1976 (90 Stat. 2743, 2750 and 2757; 43 U.S.C. 1701, 1713, and 1719), the following described public land in Gilliam County, was purchased by modified competitive sale and conveyed to the party shown:

Mr. and Mrs. David L. Whitehead, P.O. Box 531, Pasco, WA 99301.

Willamette Meridian, Oregon

T. 2 S., R. 22 E.,
Sec. 34, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The purpose of this Notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. Mr. and Mrs. Whitehead.

Dated: June 22, 1984.

Harold A. Berends,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 84-17172 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-33-M

[OR-36612D (Wa)]

Washington; Conveyance

Notice is hereby given that, pursuant to Section 203 of the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), the following described public land in Douglas County, was purchased by competitive sale and conveyed to the party shown:

Mr. & Mrs. Carl J. Malone, Star Route, Box 32,
Mansfield, WA 98830.

Willamette Meridian, Washington

T. 28 N., R. 28 E.,
Sec. 28, SE 1/4 SW 1/4;

The purpose of this Notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. & Mrs. Malone.

Dated: June 22, 1984.

Harold A. Berends,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 84-17173 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-33-M

[OR-36612-E (Wa)]

Washington; Conveyance

Notice is hereby given that, pursuant to Section 203 of the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), the following described public land in Douglas County, was purchased by direct sale and conveyed to the parties shown:

Mr. Mrs. Richard S. Rice, Star Route, Grand
Coulee, WA 99133.

Willamette Meridian, Washington

T. 29 N., R. 30 E.,
Sec. 19, Lot 2.

The purpose of this Notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. & Mrs. Rice.

Dated: June 22, 1984.

Harold A. Berends,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 84-17174 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-33-M

Proposed Designation of an Area of Critical Environmental Concern; Ukiah District, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed designation of public lands within the Clear Lake Resource Area as the Indian Valley Brodiaea Area of Critical Environmental Concern (ACEC).

SUMMARY: Pursuant to the authorities in the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (Section 202(c)(3)), I hereby propose the following lands to be designated as the Indian Valley Brodiaea Area of Critical Environmental Concern.

Mount Diablo Meridian, California

T. 15 N., R. 6 W.,
Section 4, NW 1/4 SW 1/4.

The proposed Indian Valley Brodiaea ACEC contains 40 acres of public land.

SUPPLEMENTARY INFORMATION: The establishing of an ACEC at the north end of Indian Valley Reservoir would protect the only known habitat of Indian Valley Brodiaea (*Brodiaea coronaria* ssp. *rosea*). The proposed designation would restrict some uses such as off-road vehicles and camping but would facilitate protection of this plant taxa which is a U.S. Fish and Wildlife Service candidate for possible addition to the Federal List of Endangered and Threatened Plants. The recommendation to develop an ACEC for the Indian Valley Brodiaea was put forth in the Management Framework Plan for the Clear Lake Resource Area.

FOR FURTHER INFORMATION CONTACT: Stanley R. Whitmarsh, Clear Lake Resource Area Manager, Bureau of Land Management, Ukiah District, P.O. Box 940, Ukiah, California 95482, (707) 462-3873.

Stanley R. Whitmarsh,
Clear Lake Area Manager.

[FR Doc. 84-17170 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the California Desert District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally on August 20 and 21, 1984, at the University of

California Conference Center in Lake Arrowhead, CA. The meeting will begin at 3:30 p.m., August 20, and adjourn for the day at approximately 9:00 p.m. The meeting will reconvene at 8:00 a.m., August 21, and will adjourn no later than 3:30 p.m.

The agenda will focus on one major item: preliminary evaluation of the past four years of implementing the California Desert Plan within each of the five Resource Areas in the California Desert District according to each of the 12 Plan elements. Preliminary reports will be presented by a representative from each of the resource Areas and from the District Office with Council discussion to follow each report.

All formal Council meetings are open to the public and time will be allocated for public comment. Because of the nature of the meeting and its agenda, public input and comments will only be received from 2:15 p.m. until 2:45 p.m. on August 21, 1984. Written comments may be filed in advance of the meeting with the California Desert District Advisory Council Chairman, Frank W. DeVore, c/o Bureau of Land Management Public Affairs Office, 1695 Spruce Street, Riverside, CA 92507. Persons who have already submitted comments on the Plan evaluation to BLM need not resubmit or send additional comments unless they wish to submit new information to supplement that already submitted.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management, California Desert District Public Affairs Office, 1695 Spruce Street, Riverside, California 92507 (714) 351-6398.

Dated: June 21, 1984.

Gerald E. Hillier,
District Manager

[FR Doc. 84-17169 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-40-M

[I-19957, I-19958, I-19959]

Competitive Sale of Public Land in Ada County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following described land has been examined, and through land use planning and public input has been determined to be suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976. Fair Market value will be available no less than 30 days prior to the sale date. Sealed bids only will be accepted.

Boise Meridian, Idaho

- T. 5 N., R. 1 E. (I-19957),
Sec. 27, SW ¼SW ¼; containing 40 acres.
T. 5 N., R. 1 E. (I-19958),
Sec. 28, SE ¼NW ¼; containing 40 acres.
T. 5 N., R. 1 E. (I-19959),
Sec. 33, NW ¼NE ¼; containing 40 acres.

The land when patented, will be subject to the following reservations to the United States:

1. Ditches and canals.
2. Geothermal resources and oil and gas.
3. All valid, existing rights and reservations of record.

Sale of the land will be subject to temporary continued use of an existing grazing privilege, road rights-of-way I-20529 and I-20530, and a right-of-way 50 feet wide for the Old Pearl Highway.

The land is hereby segregated from all appropriation under the public land laws including the mining laws until sold or September 25, 1984.

Sealed bids must be received in this office no later than September 17, 1984. Bids for less than the fair market value will not be accepted. A bid will constitute an application for conveyance of mineral interests of no known value. A \$50 non-returnable filing fee for processing such conveyance, along with one-fifth of the full bid price must accompany each bid. We will offer any unsold parcel every Tuesday until sold or until September 25, 1984.

Date and address: The sale offering will be held on September 18, 1984, at 10:00 a.m. in the Boise District Office, 3948 Development Ave., Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale terms and conditions, bidding procedures and other details can be obtained by contacting Mike Berch at the above address, or by calling (208) 334-1582.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the Boise District Manager at the above address.

Dated: June 20, 1984.

J. David Brunner,
Associate District Manager.

[FR Doc. 84-17171 Filed 6-27-84; 8:45 am]
BILLING CODE 4310-GG-M

Proposed Withdrawal; Florida

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service proposes to withdraw 338.06

acres of public land as an addition to the Pine Island and Matlacha Pass National Wildlife Refuges which includes all or part of 22 mangrove islands and keys. This notice closes these lands for 2 years from operation of the public land laws, including mineral leasing.

ADDRESS: Inquiries concerning the land should be sent to: Eastern States Office, Director, 350 South Pickett Street, Alexandria, Virginia 22304.

FOR FURTHER INFORMATION CONTACT: Bettie C. Coombs, Eastern States Office, (703) 235-2855.

On June 8, 1984, a petition was approved allowing the U.S. Fish and Wildlife Service to file an application to withdraw the following described public land from settlement, sale, location, or entry under the general public land laws including mineral leasing, subject to valid existing rights:

Addition to Matlacha Pass National Wildlife Refuge

Tallahassee Meridian, Florida

T. 44 S., R. 22 E.,

Name of Island and Tract No.

- N. W. McCardle Island, Tr. 37
Kite Island, Tr. 38
Wood Stork Island, Tr. 39
Lumber Island, Tr. 40
Tern Key, Tr. 41
Cull Island, Tr. 42
Brown Pelican Island, Tr. 43
Nonpareil Island, Tr. 44
Frigate Island, Tr. 45
Crackle Island, Tr. 46
Bird Rookery Key, Tr. 47
Heron Island, Tr. 48
Ibis Island, Tr. 49
Lanier Key, Tr. 50
Deer Key, Tr. 51
Bear Key, Tr. 52
T. 44 S., R. 23 E.,
N. E. McCardle Island, Tr. 37
Egret Island, Tr. 38
Lumkin Island, Tr. 39

This area described aggregates approximately 267.61 acres.

Addition to Pine Island National Wildlife Refuge

Tallahassee Meridian, Florida

- T. 44 S., R. 22 E.,
Big Panther Key, Tr. 53
Anhinga Key, Tr. 54
T. 45 S., R. 22 E.,
Cork Island, Tr. 37

This area described aggregates approximately 70.45 acres.

The purpose of the proposed withdrawal is to reserve the land as an addition to the Pine Island and Matlacha Pass National Wildlife Refuges. The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of two years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregated period are providing loafing, feeding and nesting areas for colonial birds.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the U.S. Fish and Wildlife Service.

G. Curtis Jones, Jr.,
State Director.

[FR Doc. 84-17175 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-GJ-M

[F-19735]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14 (h)(5) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(5), will be issued to Betty M. Huffman, for approximately 60 acres. The lands involved are within T. 8 S., R. 66 W., Seward Meridian, Alaska.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the **THE TUNDRA DRUMS** upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the

Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until July 30, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Betty M. Huffmon, Goodnews Bay, Alaska 99589

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

U.S. Fish and Wildlife Service, Division of Realty, 1011 East Tudor Road, Anchorage, Alaska 99503

Ruth Stockie,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-17242 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-JA-M

Las Cruces District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM) Las Cruces District, New Mexico.

ACTION: Notice of Meeting.

SUMMARY: Agenda.

DATE: July 26, 1984, 9:30 a.m.

ADDRESS: Regents Room, Educational Services Center, East University Avenue (immediately west of the Pan Am Center) New Mexico State University, Las Cruces, New Mexico.

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager, Las Cruces District, Bureau of Land

Management, P.O. Box 1420, Las Cruces, New Mexico 88004 Phone: (505) 524-8551.

SUPPLEMENTARY INFORMATION: Agenda.

1. Approval of minutes.
2. Status of FY-83 Carryover Range Improvement Projects.
3. Status of FY-84, 85 Range Improvement Project.
4. Present Range Improvement Projects for FY-86.
5. Discussion of Wild Horse Herd Plan.
6. Other Business.

Public comment will be heard by the Board at 1:30 p.m.

Robert R. Galkins,

Associate District Manager.

[FR Doc. 84-17272 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-FB-M

[ES-33062]

Realty Action; Public Land Sale in Randolph County, Alabama

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action ES-33062, Modified Competitive Sale of Public Land in Randolph County, Alabama.

SUMMARY: The following described land has been identified as suitable for disposal by sale under the provisions of section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713). The minimum acceptable bid is \$12,505. Sealed bids only will be accepted.

Huntsville Meridian, Alabama

T. 20 S., R. 10 E.,

Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Containing approximately 39.70 acres.

The land, when patented, will be subject to the following reservations to the United States:

1. The United States reserves all minerals in the lands subject to this conveyance, including, without limitation, substances subject to disposition under the general mining laws, the general mineral leasing laws, the Materials Act and the Geothermal Steam Act.

2. All valid existing rights and reservations of record. The land will be offered for sale subject to a preference bidding designation to allow Mr. Herman Needham to meet the highest bid based on historical use, adjacent land ownership, and certain other equities. Refusal or failure to meet the highest bid within 30 days of this sale offering shall constitute a waiver of such bidding provisions and the land

will be offered to the highest bidder. Mr. Needham shall submit a bid, at or above the minimum acceptable bid, by the date of sale to qualify for this preference designation.

Sealed bids must be received in this office no later than 1:00 p.m. on September 17, 1984. Bids sent by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. All sealed envelopes must be marked in the lower left hand corner, "Sealed Bid, Public Land Sale, ES-33062". If two or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered the highest bid shall be by a drawing. The drawing, if required, shall be held immediately following the opening of the bids. The highest qualifying sealed bid shall then be announced. The successful high bidder will be required to submit the remainder of the payment by cash, certified check, bank draft, money order, or combination thereof, within thirty (30) days after receipt of the decision accepting the highest bid.

If the parcel is not sold pursuant to this Notice of Realty Action, it will be offered over-the-counter for not less than the minimum acceptable bid. Over-the-counter availability will not exceed 2 years from the date of this notice. Subsequent purchase will be transacted at the Jackson District Office.

Date and Address: The sale will be held on September 17, 1984, at 1:00 p.m. in the Jackson District Office, Suite 326, 300 Woodrow Wilson Blvd., P.O. Box 11348, Jackson, Mississippi 39213.

FOR FURTHER INFORMATION CONTACT: Carl Gammon at the above address or telephone (601) 960-4405.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this Notice, interested parties may submit comments to the Jackson District Manager at the above address. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this Notice of Realty Action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior."

Henry Beauchamp,
Acting District Manager.

[FR Doc. 84-17301 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-GJ-M

Minerals Management Service**Development Operation Coordination Document**

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Shell offshore Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 6836, Block 309, Main Pass Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on June 21, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico 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). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Williamson; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0874.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to Section 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana

Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: June 21, 1984.

John L. Rankin,

Regional Manager Gulf of Mexico OCS Region.

[FR Doc. 84-17303 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that McMoran Offshore Exploration and Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 1982, Block 315, Eugen Island 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 Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on June 19, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico 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). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the

Coastal Management Section, Attention OCS Plans, Post Office Box 44396, Baton Rouge, Louisiana 70805

FOR FURTHER INFORMATION CONTACT: Mr. Emile H. Simoneaux, Jr., Minerals Management Service; Gulf of Mexico OCS 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. Additionally, this Notice is to inform the public, pursuant to Section 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: June 19, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-17304 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 6766, Block 51, 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 Leeville, Louisiana.

DATE: The subject DOCD was deemed submitted on June 22, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a

copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico 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). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT:

Ms. Angie Gobert, Minerals Management Service, Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to Section 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: June 22, 1984.

John L. Rankin,
Regional Manager, Gulf of Mexico OCS
Region.

[FR Doc. 84-17305 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

**Delta Region Preservation
Commission; Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7:30 p.m., CST, on August 8, 1984, at the Jefferson Parish Council Chambers, 3330 North Causeway Boulevard, Metairie, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 95-265, section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, and in the development and implementation of a general management plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The matters to be discussed at this meeting include:

- Contracting under A-76
- Status of construction projects
- Chalmette interpretive facility.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, U.S. Customs House, 423 Canal Street, Room 206, New Orleans, Louisiana 70130, telephone 504 589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Date: June 20, 1984.

Donald A. Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 84-17289 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-70-M

**INTERNATIONAL DEVELOPMENT
COOPERATION AGENCY**

Agency for International Development

**Housing Guaranty Program;
Investment Opportunity**

Agency for International Development (A.I.D.) has authorized guaranties of a

loan to Zimbabwe (Borrower) as part of A.I.D.'s overall development assistance program. The proceeds of the loan will be used to finance shelter projects for low income families residing in the country of the Borrower. The following is the address of the Borrower and the loan amount for projects that will soon be ready to receive financing and for which the borrower will be requesting proposals from U.S. lenders or investment bankers:

Zimbabwe

Project: 613-HG-002—\$25,000,000

Austin Copeland, Undersecretary of
Treasury Ministry of Finance,
Salisbury, Zimbabwe, Telex: 2141

By this notice of investment opportunity, the Borrower is soliciting expressions of interest from U.S. lenders or investment bankers and counsel on market conditions, loan timing and structure and other features, appropriate for the loans or underwritings. Interested investment bankers or lenders should contact the Borrower indicated above. Selection of investment bankers and/or lenders and the terms of the loans are initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. The lender and A.I.D. will enter into a Contract of Guaranty covering the loan. Disbursements under the loan will be subject to certain conditions required of the Borrower by A.I.D. as set forth in implementation agreements between A.I.D. and the Borrower.

The full repayment of the loans will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Lenders eligible to receive an A.I.D. guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by A.I.D.

Information as to the eligibility of investors and other aspects of the A.I.D housing guaranty program can be obtained from: Director, Office of Housing and Urban Programs, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523, Telephone: (202) 632-9637.

Dated: June 21, 1984.

John T. Howley,

Deputy Director, Office of Housing.

[FR Doc. 84-17176 Filed 6-27-84; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-218 and 219 (Preliminary)]

Certain Carbon Steel Structural Shapes and Cold-Rolled Carbon Steel Sheet From the Republic of Korea

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations and scheduling of a conference to be held in connection with the investigations.

Effective date: June 18, 1984.

SUMMARY: The Commission gives notice of the institution of preliminary countervailing duty investigations Nos. 701-TA-218 and 219 (Preliminary), under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(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 is materially retarded, by reason of imports from the Republic of Korea of certain carbon steel angles, shapes and sections having a maximum cross-sectional dimension of 3 inches or more, provided for in item 609.80 of the Tariff Schedules of the United States (TSUS), and of cold-rolled carbon steel sheet as provided for in item 607.83, of the TSUS, upon which bounties or grants are alleged to be paid.

FOR FURTHER INFORMATION CONTACT: Judith Zeck, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0339.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to petitions filed on June 18, 1984, by the United States Steel Corp., Pittsburgh, Pa. The Commission must make its determination in these investigations within 45 days after the date of the filing

of the petitions, or by August 2, 1984 (19 CFR 207.17).

Participation

Persons wishing to participate in these investigations 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 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 Chairwoman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service of Documents

The Secretary will compile a service list from the entries of appearance filed in these investigations. Any party submitting a document in connection with the investigations 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 investigations. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

Written Submissions

Any person may submit to the Commission on or before July 12, 1984, a written statement of information pertinent to the subject matter of these investigations (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 § 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 these investigations for 9:30 a.m. on July 10, 1984, at the U.S. International Trade Commission Building, 701 E Street, NW, Washington, D.C. Parties wishing to participate in the conference should contact Judith Zeck (202-523-0339), not later than 12:00 noon, July 9, 1984, to arrange for their appearance. Parties in support of the imposition of countervailing duties in these investigations 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 petitions and all written submissions, except for confidential business data, will be available for public inspection during regular 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 these investigations 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).

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: June 25, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-17176 Filed 6-27-84; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Charges for Tariff Filings

Effective July 2, 1984, the Commission will begin charging for Tariff filings in accordance with Ex Parte No. 246 (Sub 2), served May 1, 1984. The cost is four (\$4.00) per series transmitted. Tariff series means all tariff publications (new tariffs, supplements or looseleaf page amendments) bearing the same standard ICC designation and file with one letter of transmittal.

(1) Tariffs, Tariff Supplements and loose page Amendments (49 U.S.C. 10762).

(2) Freight Forwarder Contracts and Amendments thereto (49 U.S.C. 10766).

(3) Rail Contracts and Amendments thereto (49 U.S.C. 10713).

In hopes of relieving major Tariff publishers from the burden of attaching a check to each Tariff submitted, the Commission announces that we have established a billing process which will allow major Tariff filers to file their tariffs and be billed by the agency monthly.

In order to participate, when submitting Tariffs, the Account Number (which will be assigned upon receipt of application) must appear in top left corner of the Transmittal letter under the Account Number. The number of

Series enclosed must be clearly indicated.

For application or additional information contact: Mr. E. C. Fernandez at (202) 275-7307.

James H. Bayne,
Secretary.

[FR Doc. 84-17225 Filed 6-27-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-114X)]

Illinois Central Gulf Railroad Company—Abandonment Exemption—West Feliciana Parish, LA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by the Illinois Central Gulf Railroad Company of 7.1 miles of track in West Feliciana Parish, LA, subject to standard labor protective conditions.

DATES: This exemption shall be effective on July 30, 1984. Petitions to stay must be filed by July 9, 1984. Petitions for reconsideration must be filed by July 18, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB-43 (Sub-No. 114X) to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative, John H. Doeringer, 233 N. Michigan Avenue, Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 21, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,
Secretary.

[FR Doc. 84-17223 Filed 6-27-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-83 (Sub-5X)]

Maine Central Railroad Company—Abandonment Exemption—Washington County, ME

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Maine Central Railroad Company of 0.84 miles of track between milepost 269.62 and milepost 270.46 in Calais, ME, subject to standard labor protective conditions.

DATES: This exemption will be effective on July 30, 1984. Petitions for reconsideration must be filed by July 18, 1984. Petitions for stay must be filed by July 9, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB-83 (Sub-No. 5X) to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative Stephen H. Shook, 242 St. John Street, Portland, ME 04102.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 21, 1984

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,
Secretary.

[FR Doc. 84-17224 Filed 6-27-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated March 23, 1984, and published in the *Federal Register* on March 30, 1984 (49 FR 12771), Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, New Jersey 07901, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Methylphenidate

(1724), 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 22, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-17228 Filed 6-27-84; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

Date: July 17, 1984.

Time: 9:00 a.m. to 5:00 p.m.

Room: 430

Program: This meeting will review Challenge Grant applications from Media Organizations.

Date: July 24-25, 1984.

Time: 9:00 a.m. to 5:00 p.m.

Room: 430.

Program: This meeting will review Challenge Grant applications from Museums and Historical Organizations.

Date: July 23-24, 1984.

Time: 8:30 a.m. to 5:30 p.m.

Room: 415.

Program: This meeting will review applications submitted for the Humanities Projects in Museums and Historical Organizations program, Division of General Programs, for projects beginning after January 1, 1985.

The proposed meetings are for the purpose of panel review discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider

information that is likely to disclose: (1) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr Stephen J. McCleary, Advisory Committee Management Officer National Endowment for the Humanities, Washington, D.C. 20506; or call (202) 786-0322.

Stephen J. McCleary
Advisory Committee Management Officer

[FR Doc. 84-17270 Filed 6-27-84; 8:45 am]

BILLING CODE 7536-01-M

NORTHERN MARIANA ISLANDS COMMISSION ON FEDERAL LAWS

Northern Mariana Islands Commission on Federal Laws; Meeting

The Northern Mariana Islands Commission on Federal Laws, established pursuant to section 504 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Pub. L. 94-241, 48 U.S.C. 1681 note), will meet on Thursday, July 12, 1984, at 9:00 a.m., in the Supervisors Conference Room on the fourth floor of the Santa Barbara County Administration Building, at 105 East Anapamu Street in Santa Barbara, California. The meeting may extend into the following day, at the same location.

The purpose of the Commission is "to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner."

The intended agenda for this meeting is a review of the Commission's work to date on its final report to Congress, and consideration of pending staff recommendations on the application of

particular federal laws in the Northern Mariana Islands.

The meeting will be open to the public. Attendance by the public will be limited to space available.

For further information about this meeting contact Daniel H. MacMeekin, Executive Director, Northern Mariana Islands Commission on Federal Laws, Washington, D.C. 20240, (202) 343-5617.

Interested persons may make oral presentations to the Commission or file written statements with respect to particular federal laws. Persons desiring to make oral presentations should make arrangements with Mr MacMeekin at least seven days prior to the meeting.

Dated: June 15, 1984.

James A. Joseph,
Chair

[FR Doc. 84-17179 Filed 6-27-84; 8:45 am]

BILLING CODE 4310-93-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-348 and 50-364]

Alabama Power Co.; (Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Emergency Response Capability

I

Alabama Power Company (the licensee or APCo) is the holder of Facility Operating Licenses Nos. NPF-2 and NPF-8 which authorizes the operation of the Farley Nuclear Plant, Unit Nos. 1 and 2 (the facility) at steady-state power level not in excess of 2652 megawatts thermal. The facility consists of two pressurized water reactors (PWRs) located at the licensee's site near the City of Dothan, Alabama.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident.

The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in

Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and

(2) A description of plans for phased implementation and integration of emergency response activities including training.

III

APCo responded to Generic Letter 82-33 by letter dated April 15, 1983. By letter dated August 5, September 22, and December 15, 1983, and April 6, April 19, 1984 APCo modified several dates as a result of negotiations with the NRC staff. In these submittals, APCo made commitments to complete the basic requirements. The following Table summarizing APCo's scheduler commitments or status was developed by the NRC staff from the Generic Letter and the information provided by APCo.

APCo's commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed APCo's April 15, 1983 letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee modified certain dates by letters dated August 5, September 22, and December 15, 1983, and April 6, 1984. The NRC staff finds that the modified dates are reasonable, achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the

licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of APCo's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensees shall:

Implement the specific items described in this Order in the manner

described in APCo's submittals noted in section III herein no later than the dates in the Table.

Extensions of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensees may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same

address. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning the Order, the issue to be considered at the hearing shall be whether the licensees should comply with the requirements set forth in section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 12th day of June 1984.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC. 1b. SPDS fully operational and operators trained.	Complete (Nov. 30, 1983). September 1987. ¹
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC 2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Complete (Oct. 31, 1983). Schedule date will be provided by November 1984.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	Mar. 30, 1984—Unit 2 (complete) June 1984—Unit 1.
4. Upgrade Emergency Operating Procedures (EOPs)	3b. Implement (installation or upgrade) requirements. 4a. Submit a Procedures Generation Package to the NRC	March 1988—Unit 1, October 1987—Unit 2. Complete (July 29, 1983).
5. Emergency Response Facilities	4b. Implement the upgraded EOPs. 5a. Technical Support Center fully functional. 5b. Operational Support Center fully functional.	July 1984. ERF's were operable in October 1982. However, licensee's schedule date when EFR's would be upgraded with additional instrumentation of Supplement 1 will be provided to NRC in November 1984.
	5c. Emergency Operations Facility fully functional	

¹ A refined schedule to be provided in November 1984. Alabama Power Company has established a goal for completion of the five year schedule to be three and one-half years based on the "Farley ERC Integrated Implementation Schedule" dated December 15, 1983.

[FR Doc. 84-17071 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01

[Docket No. 70-1113]

Finding of No Significant Impact; Renewal of Special Nuclear Material License No. SNM-1097, General Electric Co., Wilmington Manufacturing Department, Wilmington, North Carolina

The U.S. Nuclear Regulatory Commission (the Commission) is considering the renewal of Special Nuclear Material License No. SNM-1097 for the continued operation of the General Electric Company Nuclear Fuel Fabrication Facility at Wilmington, North Carolina.

The Commission's Division of Fuel Cycle and Material Safety has prepared an Environmental Assessment related to the renewal of Special Nuclear Material License No. SNM-1097. On the basis of this assessment, the Commission has concluded that the environmental impact created by the proposed license

renewal action would not be significant and does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate. The Environmental Assessment (NUREG-1078) is available for public inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies of NUREG-1078 may be purchased by calling (301) 492-9530 or by writing to the Publication Services Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Silver Spring, MD this 22nd day of June 1984.

For the Nuclear Regulatory Commission.

R. G. Page,
*Chief, Uranium Fuel Licensing Branch,
Division of Fuel Cycle and Material Safety.*

[FR Doc. 84-17279 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-237/249]

Commonwealth Edison Co. (Dresden Nuclear Power Station, Units 2 and 3); Order Confirming Licensee Commitments on Emergency Response Capability

I

Commonwealth Edison Company, (CECo) (the licensee) is the holder of Provisional Operating License No. DPR-19 and Facility Operating License No. DPR-25 which authorize operation of the Dresden Nuclear Power Station, Units 2 and 3, respectively (the facilities) at steady-state power levels not in excess of 2527 megawatts thermal. The

facilities are boiling water reactors (BWRs) located in Grundy County, Illinois.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and

(2) A description of plans for phased implementation and integration of emergency response activities including training.

III

CECo responded to Generic Letter 82-33 by letter dated April 14, 1983. By letters dated July 20 and 28, August 25, November 15, and December 15, 1983, CECo modified several dates as a result of negotiations with the NRC staff. In these submittals, CECo made commitments to complete the basic requirements. The following Table summarizing CECo's schedular commitments or status was developed by the NRC staff from the Generic Letter and the information provided by CECo.

CECo's commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed CECo's April 14, 1983 letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee modified certain dates by letters dated July 20 and 28, August 25, November 15, and December 15, 1983. The NRC staff finds that the modified dates are reasonable, achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of CECo's commitments are required in the interest of the public health and safety

and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensee shall: Implement the specific items described in this order in the manner described in CECo's submittals noted in section III herein no later than the dates in the Table.

Extensions of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 12 day of June, 1984.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Office of
Nuclear Reactor Regulation.

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC.	Dec. 31, 1983. ¹
	1b. SPDS fully operational and operators trained	Jan. 1, 1985. ¹
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC	Submitted Apr. 14, 1983.
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	May 1, 1985.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	Aug. 1, 1985.
	3b. Implement (installation or upgrade) requirements	Provide an implementation schedule by Feb. 1, 1986.
4. Upgrade Emergency Operating Procedures (EOPs)	4a. Submit a Procedures Generation Package to the NRC	Nov. 30, 1984.
	4b. Implement the upgraded EOPs	Nov. 30, 1985.
5. Emergency Response Facilities	5a. Technical Support Center fully functional	Complete. ²
	5b. Operational Support Center fully functional	Complete.
	5c. Emergency Operations Facility fully functional	Jan. 1, 1985. ²

¹Consistent with Items 1.a.1 and 1.b of Attachment A of the November 15, 1983 letter from Cordell Reed to Harold Denton

²The modifications and construction of the structures are finished but the TSC and EOF are not considered to be fully functional until the changes resulting from the R.G. 1.97 and human factors reviews are implemented and all testing and training are completed

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co. (Haddam Neck Plant); Order Confirming Licensee Commitments on Emergency Response Capability

I

Connecticut Yankee Atomic Power Company (CYAPCo) is the holder of Facility Operating License No. DPR-61 which authorizes the operation of the Haddam Neck Plant at steady-state power levels not in excess of 1825 megawatts thermal. The facility is a pressurized water reactor (PWR) located in Middlesex County, Connecticut.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees

and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and

(2) A description of plans for phased implementation and integration of emergency response activities including training.

III

Connecticut Yankee Atomic Power Company responded to Generic Letter 82-33 by letter dated April 15, 1983. By letter dated August 11, November 28, December 20, 1983, and April 9, 1984, CYAPCo modified several dates as a result of negotiations with the NRC staff. In these submittals, CYAPCo made commitments to complete the basic requirements. The following Table summarizing CYAPCo's scheduler commitments or status was developed by the NRC staff from the Generic Letter and the information provided by CYAPCo.

The licensee's commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed CYAPCo's April 15, 1983 letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, CYAPCo modified certain dates by letters dated August 11, November 28, December 20, 1983, and April 9, 1984. The NRC staff finds that the modified dates are reasonable and achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of its emergency response capability.

In view of the foregoing, I have determined that the implementation of CYAPCo commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that CYAPCo shall: Implement the specific items described in this order in the manner described in CYAPCo's submittals noted in section III herein no later than the dates in the Table.

Extensions of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether CYAPCo should comply with the requirements set forth in section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 12th day of June, 1984.

For the Nuclear Regulatory Commission.
Darrell G. Eisenhut,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

HADDAM NECK PLANT—LICENSEE'S COMMITMENTS OF SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC. 1b. SPDS fully operational and operators trained.....	May 13, 1986. Submit schedule by May 13, 1986.
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC	Feb. 28, 1986.

HADDAM NECK PLANT—LICENSEE'S COMMITMENTS OF SUPPLEMENT 1 TO NUREG-0737—Continued

Title	Requirement	Licensee's completion schedule (or status)
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Submit schedule by Feb. 28, 1986.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	Complete Feb. 29, 1984.
Upgrading Emergency Operating Procedures (EOPs).....	3b. Implement (installation or upgrade) requirements.....	Submit schedule by July 17, 1984.
	4a. Submit a Procedures Generation Package to the NRC.....	Complete Sept. 1, 1983.
	4b. Implement the upgraded EOPs.....	Prior to start of Cycle 14 (Outage schedule to start November 1985.
Emergency Response Facilities.....	5a. Technical Support Center fully functional.....	Complete. ¹
	5b. Operational Support Center fully functional.....	Complete. ¹
	5c. Emergency Operations Facility fully functional.....	Complete. ¹
		(OEF Backup siting relief requested by CYAPCo letter dated Aug. 3, 1983.) ²

¹ Except for any additional changes that may be required as a result of other items in this Order.

² This will be subject to further licensing action.

[FR Doc. 84-17277 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co., (Palisades Plant); Order Confirming Licensee Commitments on Emergency Response Capability

I

Consumers Power Company (CPC) (the licensee) is the holder of Provisional Operating License No. DPR-20 which authorizes the operation of the Palisades Plant (the facility) at steady-state power levels not in excess of 2530 megawatts thermal. The facility is a pressurized water reactor (PWR) located in Van Buren County, Michigan.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and
(2) A description of plans for phased implementation and integration of emergency response activities including training.

III

CPC responded to Generic Letter 82-33 by letter dated April 14, 1983. By letters dated September 13 and 16, 1983, and April 2, 1984 CPC modified several dates as a result of negotiations with the NRC staff. In these submittals, CPC made commitments to complete the basic requirements. The following Table summarizing CPC's scheduler commitments or status was developed by the NRC staff from the Generic Letter and the information provided by CPC.

CPC's commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed CPC's April 14, 1983 letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee provided certain dates by letters dated

September 13 and 16, 1983, and April 2, 1984. The NRC staff finds that these dates are reasonable and achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedules proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of CPC's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensee shall: Implement the specific items described in this order in the manner described in CPC's submittals noted in section III herein no later than the dates in the Table.

Extension of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order

designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee

should comply with the requirements set forth in section IV of this Order.

This Order is effective upon issuance. Dated at Bethesda, Maryland, this 12th day of June 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

PALISADES PLANT—LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC.	July 1984.
2. Detailed Control Room Design Review (DCRDR)	1b. SPDS fully operational and operators trained.	Date to be provided with implementation plan in July 1984.
	2a. Submit a program plan to the NRC	Complete (licensee's ltrs. dated Mar. 16, 1982 and June 7, 1983. Date to be provided by June 1984.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Date to be provided by June 1984.
	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	August 1984. ¹
4. Upgrade Emergency Operating Procedures (EOPs)	3b. Implement (installation or upgrade) requirements.	Plan and schedule to be provided with report in August 1984. ¹
	4a. Submit a Procedures Generation Package to the NRC	July 1984. Date to be provided by June 1984.
5. Emergency Response Facilities	4b. Implement the upgraded EOPs.	Date to be provided by June 1984.
	5a. Technical Support Center fully functional.	End of refueling outage which commenced August 1983. ¹
	5b. Operational Support Center fully functional	Complete. ¹
	5c. Emergency Operations Facility fully functional	Complete. ¹

¹ Except for any additional changes that may be required as a result of the other items in this order.

[FR Doc. 84-17278 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

Establishment of Local Public Document Room and Toll-Free Service Numbers

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Establishment of Local Public Document Room and Toll Free Service Numbers in the High-Level Waste Pre-Licensing Program.

SUMMARY: Passage of the Nuclear Waste Policy Act of 1982, signed on January 7, 1983, was a significant development in the federal relations with states for the safe management of spent fuel and high-level radioactive wastes. The Nuclear Regulatory Commission is developing a system of communication with state and tribal representatives and the public, through establishment of local public document rooms as well as toll free telephone service for the waste management program.

The first NRC Local Public Document Room (LPDR) in the high-level waste area has been established for the Basalt Waste Isolation Project (BWIP) at the Richland Public Library, Swift and Northgate Streets, Richland, WA 99352, Telephone 509/943-9117. Members of the public may now inspect and copy documents related to BWIP at this library; the file designation for this material is Project WM-10. For further information, interested parties in the Richland area may contact the LPDR

directly. Parties outside the service area of the LPDR may address their requests for records to the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, Telephone 202/634-3273.

In addition, a telephone recording service has been established for the announcement of upcoming meetings related to the NRC waste management program. This number is 1/800/368-5242, ext. 79002. For further meeting information, you may wish to call the Department of Energy, Office of Civilian Radioactive Waste Management, toll free service. For calls originating in Maryland, the number is 800/492-4610; all other callers should use 800/368-2235. This service was noticed in the Federal Register on March 20, 1984, 49 FR 10517.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Still, Division of Waste Management, Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone 1/800/368-5642, Ext. 74426.

Dated at Silver Spring, Maryland, this 18th day of June 1984.

For the Nuclear Regulatory Commission.

Robert E. Browning,

Director, Division of Waste Management.

[FR Doc. 84-17288 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-25]

Finding of No Significant Impact, Renewal of Special Nuclear Material License No. SNM-21, Energy Systems Group, Rockwell International Corporation, Simi Hills, Ventura County, California

The U.S. Nuclear Regulatory Commission (the Commission) is considering the renewal of Special Nuclear Material License No. SNM-21 for the continued operation of the Energy Systems Group facility at Simi Hills, Ventura County, California.

The Commission's Division of Fuel Cycle and Material Safety has prepared an Environmental Assessment related to the renewal of Special Nuclear Material License No. SNM-21. On the basis of this assessment, the Commission has concluded that the environmental impact created by the proposed license renewal action would not be significant and does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate. The Environmental Assessment (NUREG-1077) is available for public inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies of NUREG-1077 may be purchased by calling (301) 492-9530 or by writing to the Publication Services

Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Silver Spring, MD, this 21st day of June 1984.

For the Nuclear Regulatory Commission,
R. G. Page,

Chief, Uranium Fuel Licensing Branch,
Division of Fuel Cycle and Material Safety.

[FR Doc. 84-17286 Filed 6-27-84; 8:45 am]

BILLING CODDE 7590-01-M

[Docket No. 50-219]

GPU Nuclear Corp. and Jersey Central Power and Light Co. (Oyster Creek Nuclear Generating Station); Order Confirming Licensee Commitments on Emergency Response Capability

I

GPU Nuclear Corporation (GPUNC) and Jersey Central Power and Light Company (the licensees) are the holders of Provisional Operating License No. DPR-16 which authorizes the operation of the Oyster Creek Nuclear Generating Station (the facility) at steady-state power levels not in excess of 1930 megawatts thermal. The facility is a boiling water reactor (BWR) located in Ocean County, New Jersey.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements

are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control from design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

- (1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and
- (2) A description of plans for phased implementation and integration of emergency response activities including training.

III

GPUNC responded to Generic Letter 82-33 by letter dated April 15, 1983, and provided supplemental information by letter dated July 18, 1983, March 9 and April 9, 1984. In these submittals, GPUNC made commitments to complete the basic requirements. The following Table summarizing GPUNC scheduler commitments or status was developed by the NRC staff from the Generic Letter and the information provided by GPUNC.

GPUNC commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed GPUNC's April 15, 1983 letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee provided additional information and a detailed schedule of interim events in letters dated July 18, 1983, March 9 and April 9, 1984. The NRC staff finds that the dates are reasonable, achievable dates for meeting the Commission requirements. The NRC staff concludes

that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of GPUNC commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensee shall:

Implement the specific items described in this ORDER in the manner described in GPUNC's submittals noted in Section III herein no later than the dates specified in the Table.

Extensions of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensees may request a hearing on this Order within 20 days of the date of publication of this Order in the *Federal Register*. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensees should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 12 day of June 1984.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

OYSTER CREEK NUCLEAR GENERATING STATION—LICENSEE'S COMMITMENT ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS).....	1a. Submit a safety analysis and an implementation plan to the NRC. 1b. SPDS fully operational and operators trained.....	Safety Analysis Complete Implementation Plan April 1984 November 1985. ¹
2. Detailed Control Room Design.....	2a. Submit a program plan to the NRC.....	Complete.

OYSTER CREEK NUCLEAR GENERATING STATION—LICENSEE'S COMMITMENT ON SUPPLEMENT 1 TO NUREG-0737—Continued

Title	Requirement	Licensee's completion schedule (or status)
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	April 1984.
3. Regulatory Guide 1.97 Application to Emergency Response Facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	May 1984.
4. Upgrade Emergency Operating Procedures (EOPs).....	3b. Implement (installation or upgrade) requirements.....	Date will be provided in the May 1984 report.
	4a. Submit a Procedures Generation Package to the NRC.....	Complete.
	4b. Implement the upgraded EOPs.....	January 1986 (Prior to restart from Cycle 11 outage).
5. Emergency Response Facilities.....	5a. Technical Support Center fully functional.....	November 1985 (SPDS Dependent).
	5b. Operational Support Center fully functional.....	Complete.
	5c. Emergency Operations Facility fully functional.....	November 1985 (SPDS Dependent).

¹ Beginning of Cycle 11 outage. Basic SPDS will be available at end of outage. Future Enhancements will be made along with the development of additional software.

[FR Doc. 84-17280 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322-OL-4 (Low Power)]

Long Island Lighting Co. (Shoreham Nuclear Generating Plant, Unit 1); Order Scheduling Oral Arguments

June 21, 1984.

Before administrative judges Marshall E. Miller, chairman, Glenn O. Bright, Elizabeth B. Johnson.

Oral argument of all parties regarding discovery in this proceeding shall be heard on Friday, June 22, 1984, at 9:00 a.m. in the U.S. Nuclear Regulatory Commission Hearing Room, 4350 East West Highway, 5th Floor, Bethesda, Maryland. Counsel shall come prepared to discuss Suffolk County's first and second discovery requests, LILCO's response to the first such request and objections to and motion for protective order concerning the second. All parties are to provide status reports on all pending discovery issues.

It is so ordered.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,
Administrative Judge.

[FR Doc. 84-17281 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

Northeast Nuclear Energy Co., et al. (Millstone Nuclear Power Station, Unit No. 1); Order Confirming Licensee Commitments on Emergency Response Capability

I

Northeast Nuclear Energy Company (NNECo), Connecticut Light and Power Company and Western Massachusetts Electric Company (the licensees) are the holders of Provisional Operating License No. DPR-21 which authorizes the operation of the Millstone Nuclear Power Station, Unit No. 1 at steady-state power levels not in excess of 2011 megawatts thermal. The facility is a

boiling water reactor (BWR) located in New London County, Connecticut.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and
(2) A description of plans for phased implementation and intergration of emergency response activities including training.

III

Northeast Nuclear Energy Company responded to Generic Letter 82-33 by letter dated April 15, 1983. By letters dated August 11, November 28, December 20, 1983, and January 31, 1984 and April 9, 1984, NNECo modified several dates as a result of negotiation with the NRC staff. In these submittals, NNECo made commitments for completion of the basis requirements. The following Table summarizing NNECo's scheduler commitments or status was developed by the NRC from the Generic Letter and the information provided by NNECo.

The licensee commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed NNECo's April 15, 1983 letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee modified certain dates by letters dated August 11, November 28, and December 20, 1983, January 31, 1984 and April 9, 1984. The NRC staff finds that the modified dates are reasonable and achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the NNECo will provide timely upgrading of its emergency response capability.

In view of the foregoing, I have determined that the implementation of NNECo's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensees shall:

Implement the specific items described in this ORDER in the manner described in NNECo's submittals noted in Section III herein no later than the dates in the table.

Extensions of time for completing these items may be granted by the

Director, Division of Licensing, for good cause shown.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 12 day of June 1984.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

MILLSTONE UNIT NO. 1—LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC.	Apr. 9, 1987.
	1b. SPDS fully operational and operators trained	Submit schedule by Apr. 9, 1987.
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC	Mar. 2, 1987.
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Submit schedule by Mar. 2, 1987.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	Complete Feb. 29, 1984.
4. Upgrade Emergency Operating Procedures (EOPs)	3b. Implement (installation or upgrade) requirements	Submit schedule by July 17, 1984.
	4a. Submit a Procedures Generation Package to the NRC	Complete May 13, 1983.
	4b. Implement the upgraded EOPs	Complete June 29, 1983.
5. Emergency Response Facilities	5a. Technical Support Center fully functional	Interim TSC operational.**
	5b. Operational Support Center fully functional	Complete.*
	5c. Emergency Operations Facility fully functional	Complete.*
		(*EOF Backup siting, relief requested by NNECo letter dated Aug. 3, 1983.)

* Except for any additional changes that may be required as a result of other items in this Order.

** This will be subject to further licensing action.

* Operational TSC temporarily relocated to EOF pending completion of Millstone site TSC (tentatively mid-1985).

[FR Doc. 84-17282 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

**Pacific Gas & Electric Co.;
Consideration of Issuance of
Amendment to Facility Operating
License and Proposed No Significant
Hazards Consideration Determination
and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-76, issued to Pacific Gas and Electric Company (the Licensee) for operation of the Diablo Canyon Nuclear Power Plant, Unit 1 located in San Luis Obispo, California.

The amendment would revise the Technical Specification concerning mechanical and hydraulic snubbers in accordance with the licensee's application for amendment dated March 30, 1984.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended

(the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind or accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

This change will revise the Technical Specifications concerning mechanical and hydraulic snubbers to reflect changes in piping supports that resulted from the Independent Design Verification Program and the Internal Technical Program which have been extensively evaluated by the staff as documented in Supplements 18, 19 and 20 to the NRC's Safety Evaluation Report. These modifications were necessary to assure that the affected systems were designed to meet the accepted seismic design criteria. This

change will update the listing of mechanical and hydraulic snubbers in two tables of the Technical Specification and will change the administrative controls accordingly. Without such updating, the identification of snubbers in Tables 3.7-3 and 3.7-4 of the Technical Specifications is no longer accurate and would not, in part reflect the as built condition of the plant.

The Commission has provided guidance in the form of examples about the application of three standards set out in 10 CFR 50.92 for determining whether license amendments involve no significant hazards considerations (48 FR 14870). These example are not applicable to the issue addressed in the proposed amendment. The basis for proposing that the proposed amendment does not involve a significant hazards consideration is that by assuring that the Tables accurately reflect the snubbers at the plant (with attendant change in the administrative controls), the previously approved licensing criteria are met with no effect on any accident previously evaluated, any safety related design basis of the facility or its operation, or any margin of safety.

Therefore, the three standards are met because operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident, or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By July 30, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition of leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the

subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, and have the opportunity to present evidence and cross-examine witnesses.

If hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received.

Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Mr. George W. Knighton, (301) 492-7161: date petition was mailed; plant name, and publication date and page number of this *Federal Register* notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Philip A. Crane, Jr., Esq. Pacific Gas & Electric Company, 77 Beale Street, San Francisco, California 94106 and Norton, Burke, Berry & French P.C., Attn: Bruce Norton, Esq., 202 East Osborn Road, Phoenix, Arizona 85016, attorneys for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Bethesda, Maryland, this 20th day of June, 1984.

For the Nuclear Regulatory Commission,
George W. Knighton,
Chief, Licensing Branch No. 3, Division of
Licensing.

[FR Doc. 84-17283 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

**Pacific Gas & Electric Co.;
Consideration of Issuance of
Amendment to Facility Operating
License and Proposed No Significant
Hazards Consideration Determination
and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-76, issued to Pacific Gas and Electric Company (the Licensee) for operation of the Diablo Canyon Nuclear Power Plant, Unit 1 located in San Luis Obispo, California.

The amendment would revise the Technical Specifications concerning (1) frequency of auditing the emergency plan and the security plan and associated implementing procedures, (2) limits of working hours for unit staff, (3) prompt notification of failure of pressurizer power operated relief valves (PORVs) or pressurizer safety valves, and (4) administrative controls in accordance with the licensee's applications for amendment dated December 17, 1982, January 11, 1983, January 11, June 6, and June 8, 1984.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance for the application of these criteria by providing examples that are considered not likely to involve a significant hazards consideration (48 FR 14870). One such example is (ii) a change that constitutes an additional limitation, restriction, or control not presently included in the Technical

Specifications, for example a more stringent surveillance requirement.

The proposed amendment, in regard to the emergency plan, the security plan and their implementing procedures, would require a more stringent surveillance program by requiring auditing of the above cited plans and procedures once every twelve months instead of the 24 month interval currently allowed by the Technical Specifications. Moreover, this change is required to conform with the regulations, i.e. 10 CFR 50.54(t) and 10 CFR 73.40(d), respectively. Since 10 CFR 50.54(t) and 10 CFR 73.40(d) require that auditing of both the emergency plan and security plan and their implementing procedures be conducted on a twelve month interval, the licensee by letter dated June 8, 1984 requested that reference to the frequency of auditing of the above plans in the Technical Specifications be deleted since they are required by law. Thus, this change is also of a type described in example (vii) of changes not likely to involve a significant hazards consideration (48 FR 14870). Accordingly, based on these considerations and the three criteria given above, we have made a proposed determination that this portion of the amendment request involves no significant hazards consideration. We also conclude that deletion of the reference to the frequency of auditing in the above areas in the Technical Specifications is acceptable.

In regard to the requested amendment on working hours and the requirement to notify the Commission within 24 hours of a failure of a PORV or a pressurizer safety valve and submit a written report within 14 days of the occurrence, these are representative of changes shown in example (ii) above. That is, the addition of these changes imposes more stringent controls on the number of hours an individual is permitted to work and the new requirement to notify the Commission within 24 hours and submit a written report within 14 days after the occurrence of a failure of a PORV or pressurizer safety valve. Based on these considerations and the three criteria given above, we have made a proposed determination that this portion of the amendment request involves no significant hazards consideration.

With regard to administrative controls, the proposed amendment would revise Figure 6.2-1 to indicate that:

1. The Senior Vice President, Facilities Development is now the "Executive Vice President, Facilities and Electric Resources Development", reporting to the Chairman of the Board and Chief Executive Officer.

2. The Manager, Quality Assurance reports to the Executive Vice President, Facilities and Resources Development.

3. The position of Manager, Nuclear Projects is deleted, and the Onsite Safety Review Group reports to the Technical Assistant to the Vice President, Nuclear Power Generation.

Figure 6.2-2 would be revised to indicate that:

4. The Onsite Safety Review Group reports to the Technical Assistant to the Vice President, Nuclear Power Generation. This group previously reported to the Manager of Nuclear Projects.

5. A new senior-reactor-operator position called "Senior Operations Supervisor" is added, reporting to the Operations Manager.

6. The "Power Plant Engineer" is now the "Assistant Plant Manager, Technical Services," reporting to the Plant Manager.

7. The "Quality Control Supervisor" is now the "Quality Control Manager," reporting to the Plant Manager.

8. The "Technical Assistant to the Plant Manager" is now the "Assistant Plant Manager, Support Services".

9. A new position called "Personnel and General Services Manager" is added.

10. The titles of various supervisors have been upgraded to "Manager".

Section 6.2.3.4, "Onsite Safety Review Group (OSRG), Authority", would be revised to show that:

11. The OSRG reports to the Technical Assistant to the Vice President, Nuclear Power Generation; it previously reported to Manager, Nuclear Projects.

Section 6.5.1.2, "Plant Staff Review Committee (PSRC), Completion", would be revised to indicate that:

12. The members' titles agree with their new titles in Figure 6.2-2.

13. The I&C Maintenance Manager and the Engineering Manager have been added to the Committee.

Section 6.5.2, "General Office Nuclear Power Plant Review and Audit Committee (CONPRAC)", would be revised to indicate that:

14. In Section 6.5.2.2, "Composition", the title "Manager, Nuclear Projects" is replaced with "Project Manager, Diablo Canyon".

15. In Sections 6.5.2.9, "Authority", and 6.5.10, "RECORDS", the title "Senior Vice President, Facilities Development" is replaced with "Executive Vice President, Facilities and Electric Resources Development" (see also change 1).

The new title of "Executive Vice President, Facilities and Electric Resources Development", and the new

reporting relationship with the Chairman of the Board (changes 1 and 15) are the result of a realignment of responsibility at the executive level at PG&E.

The rise in reporting level of the Manager, Quality Assurance (change 2) further strengthens the licensee's commitment to quality assurance for Diablo Canyon by increasing the independence of the QA function.

The deletion of references to the Manager, Nuclear Projects (changes 3, 4, 11 and 14) was made necessary when the Manager of Nuclear Projects' position was incorporated into the overall PG&E/Bechtel Project Organization and no longer existed as a separate entity. In the GONPRAC organization, the change from "Manager, Nuclear Projects" to "Project Manager, Diablo Canyon" has no effect on operations, since the individual involved and his responsibilities are the same.

The new Senior Operations Supervisor (change 5) will supplement the Operations Manager in his duties. He will not assume any authority of the Operations Manager or his responsibilities unless delegated. This change allows the overall facility organization to maintain a better and closer control of the operators, and will provide a quicker response to operator questions and problems.

The remaining changes in Unit organization (changes 6 through 9, 12 and 13) area necessary because of the significant increase in plant staff over the last three years and the addition of several new functions and work groups at the plant. At the same time, the changes simplify and streamline the reporting relationships, promoting safety and efficiency of operation.

The Commission has provided guidance in the form of examples about the application of three standards set out 10 CFR 50.92 for determining whether license amendments involve no significant hazards considerations (48 FR 14870). These examples are not applicable to the issues addressed in this portion of the proposed amendment. The basis for proposing that the proposed amendment does not involve a significant hazards consideration is that the administrative controls change, which relate solely to organizational structure, do not have any direct bearing on the operation of the facility and would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident, or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 30, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The Nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended

petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with

the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-8700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Mr. George W. Knighton, (301) 492-7161: date petition was mailed; plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Philip A. Crane, Jr., Esq. Pacific Gas & Electric Company, 77 Beale Street, San Francisco, California 94106 and Norton, Burke, Berry & French P.C., Attn: Bruce Norton, Esq., 202 East Osborn Road, Phoenix, Arizona 85016, attorneys for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a later petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Bethesda, Maryland, this 20th day of June, 1984.

For the Nuclear Regulatory Commission.
George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 84-17284 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas & Electric Corp. (R. E. Ginna Nuclear Power Plant); Order Confirming Licensee Commitments on Emergency Response Capability

I

Rochester Gas and Electric Corporation (EG&E) (the licensee) is the holder of Provisional Operating License No. DPR-18 which authorizes the operation of the R. E. Ginna Nuclear Power Plant (the facility) at steady-state power levels not in excess of 1520 megawatts thermal. The facility is a pressurized water reactor (PWR) located in Wayne County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

- (1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and
- (2) A description of plans for phased implementation and integration of emergency response activities including training.

III

RG&E responded to Generic Letter 82-33 by letter dated April 15, 1983. By letters dated August 3, 1983, November 28, 1983; April 6 and April 9, 1984 RG&E modified several dates as a result of negotiations with the NRC staff. In these submittals RG&E made commitments to complete the basic requirements. The following Table summarizing RG&E's scheduler commitments or status was developed by the NRC staff from the Generic Letter and the information provided by RG&E.

RG&E's commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed RG&E's April 15, 1983 letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee modified certain dates by letters dated August 3, 1983, November 28, 1983, April 6 and 9, 1984. The NRC staff finds that the modified dates are reasonable, achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of RG&E's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensee shall:

Implement the specific items described in this ORDER in the manner described in RG&E's submittals noted in Section III herein no later than the dates in the Table.

Extensions of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal

Register. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 12 day of June 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

R. E. GINNA—LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC. 1b. SPDS fully operational and operators trained	Nov. 30, 1984. June 30, 1986.
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC 2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Aug. 31, 1984. Dec. 31, 1985.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	Complete.
4. Upgrade Emergency Operating Procedures (EOPs)	3b. Implement (installation or upgrade) requirements 4a. Submit a Procedures Generation Package to the NRC 4b. Implement the upgraded EOPs	Provide schedule on Feb. 28, 1985. Feb. 28, 1985. Dec. 31, 1985.
5. Emergency Response Facilities	5a. Technical Support Center fully functional 5b. Operational Support Center fully functional 5c. Emergency Operations Facility fully functional	June 30, 1986. Complete. June 30, 1986.

[FR Doc. 84-17285 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co. (Yankee Nuclear Power Station) Order Confirming Licensee Commitments on Emergency Response Capability

I
Yankee Atomic Electric Company (YAEC) (the licensee) is the holder of Facility Operating License No. DPR-3 which authorizes the operation of the Yankee Nuclear Power Station (the facility) at steady-state power levels not in excess of 600 megawatts thermal. The facility is a pressurized water reactor (PWR) located in Franklin County, Massachusetts.

II
Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission's (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth

in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

- (1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and
- (2) A description of plans for phased implementation and integration of emergency response activities including training.

III

Yankee Atomic Electric Company responded to Generic Letter 82-33 by letter dated April 19, 1983. By letters dated August 1, September 1, October 21, December 16, 1983, March 28, 1984 and April 3, 1984, YAEC modified some of the dates as a result of scheduler

changes. In these submittals, YAEC made commitments to complete the basic requirements. The following Table summarizing YAEC's scheduler commitments or status was developed by the NRC staff from the Generic Letter and the information provided by YAEC.

The licensee commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed YAEC's April 19, 1983, letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of scheduler changes, the licensee modified certain dates by letters dated August 1, September 1, October 21, and December 16, 1983, March 28, 1984 and April 3, 1984. The NRC staff finds that the modified dates are reasonable and achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of YAEC's commitments are required in the interest of the public health and safety and should, therefore, be

confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensee shall:

Implement the specific items described in this ORDER in the manner described in YAEC's submittals noted in Section III herein no later than the dates specified in the Table.

Extensions of time for completing these items may be granted by the

Director, Division of Licensing, for good cause shown.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order

designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 12th day of June 1984.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

YANKEE NUCLEAR POWER STATION—LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's Completion Schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC. 1b. SPDS fully operational and operators trained	Complete. Complete.
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC 2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Complete. Complete. Jan. 15, 1985.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	Complete.
4. Upgrade Emergency Operating Procedures (EOPs)	3b. Implement (installation or upgrade) requirements 4a. Submit a Procedures Generation Package to the NRC 4b. Implement the upgraded EOPs	Start of Cycle XVIII operation (Estimate late 1985). Complete. Schedule to be submitted by August 1984.
5. Emergency Response Facilities	5a. Technical Support Center fully functional 5b. Operational Support Center fully functional 5c. Emergency Operations Facility fully functional	Complete. Complete. Complete. ¹

¹ EOF habitability provisions currently under review. Present EOF does not meet requirements of Table 1 of Supplement 1 to NUREG-0737.

[FR Doc. 84-17287 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on July 12-14, 1984, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on May 21, 1984.

The agenda for the subject meeting will be as follows:

Thursday, July 12, 1984

8:30 A.M.—8:45 A.M.: *Chairman's Report (Open)*—The ACRS Chairman will report to the Committee regarding items of current interest.

8:45 A.M.—10:45 A.M.: *Application of Generic Safety and Licensing Issues (Open)*—The Committee will hear and discuss proposed NRC plans for characterization of generic safety and licensing issues and their application to standardized nuclear power plants.

10:45 A.M.—12:30 P.M. and 1:30 P.M.—3:30 P.M.: *River Bend Nuclear Power*

Station (Open)—The members will consider the request for an operating license for this nuclear station.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this project and information related to the security arrangements for this station.

3:30 P.M.—6:30 P.M.: *Consideration of Severe Accidents (Open)*—The members will discuss the proposed NRC policy statement regarding consideration of severe accidents in the regulation of nuclear power plants.

Friday, July 13, 1984

8:30 A.M.—9:00 A.M.: *Topics for Meeting with NRC Commissioners (tentative) (Open)*—The members will discuss matters related to ACRS recommendations to the NRC Commissioners on safety-related matters.

9:00 A.M.—10:00 A.M.: *Meeting with NRC commissioners (tentative) (Open)*—The members will meet with the NRC Commissioners to discuss ACRS recommendations related to safety-related matters.

10:00 A.M.—12:00 Noon: *Decay Heat Removal (Open)*—The members will hear and discuss a report from the NRC

Staff regarding the status of the program for evaluation of decay heat removal systems in nuclear power plants.

1:00 P.M.—3:00 P.M.: *Qualification of Nuclear Power Plant Personnel (Open)*—The members will consider a proposed NRC policy for educational requirements of on-shift personnel at nuclear power plants.

3:00 P.M.—5:30 P.M.: *Consideration of Severe Accidents (Open)*—The members will continue discussion of the proposed NRC policy statement regarding consideration of severe accidents in the regulation of nuclear power plants.

5:30 P.M.—6:00 P.M.: *Future ACRS Activities (Open)*—The Committee will discuss anticipated ACRS activities and proposed items for full Committee consideration including the proposal for nodular review of the Westinghouse Electric Corporation advanced standardized LWR.

Saturday, July 14, 1984

8:30 A.M.—11:30 A.M.: *Preparation of ACRS reports to NRC (Open)*—The members will discuss proposed reports to the Nuclear Regulatory Commission regarding items considered during this meeting. Portions of this session will be closed to discuss Proprietary

Information related to the matters being considered and information related to the security arrangements of the River Bend Nuclear Station. Portions will also be closed to discuss matters that will be involved in an adjudicatory proceeding.

11:30 A.M.—12:30 P.M. and 1:30 P.M.—and 4:00 P.M.: Consideration of Severe Accidents (Open)—The members will complete their consideration of the proposed NRC policy statement regarding consideration of severe accidents and will discuss a proposed report to the NRC regarding this matter.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on September 28, 1983 (48 FR 44291). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, R. F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) P.L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information [5 U.S.C. 552b(c)(4)], information specifically exempted from disclosure by statute [5 U.S.C. 552b(c)(3)], and information involved in an adjudicatory proceeding [5 U.S.C. 552b(c)-(10)].

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: June 25, 1984

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-17275 Filed 6-27-84; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-21075; File No. SR-AMEX-84-12]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc. Relating to Exchange Equities Specialist Allocations Procedures

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 27, 1984, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. (the "Exchange") hereby files for Commission approval two policies relating to the Exchange's equities allocation procedures. Pursuant to these policies, the Exchange proposes that (i) in cases where a security has been relisted following a hiatus due to delisting and certain specified criteria are met, it will be automatically allocated to the Specialist who was previously registered as specialist in that security; and (ii) certain newly listed securities which are deemed by the Exchange to be closely related to a security in which a specialist is currently registered will be automatically allocated to that specialist. Other related securities would be allocated in accordance with a modified procedure which takes into consideration a staff recommendation as to whether the securities should be allocated to a specialist in a related security.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change

and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose. The Exchange has previously filed and is awaiting Commission approval of procedures for the evaluation of equities specialist performance and for the allocation and reallocation of equities (File Nos. SR-AMEX-83-27 and SR-AMEX-84-9). The purpose of this proposed rule change is to supplement the allocation procedures by the addition of two policies.

The first concerns allocation policy in the situation where a company which was previously listed on the Exchange relists after a hiatus due to delisting. Although this has been a relatively rare occurrence, Exchange practice has been to automatically allocate the returning security to the specialist who was previously registered to it. This is done for purposes of continuity, in view of the specialist's prior relationship with the company. While the Exchange believes that this practice should be adopted as policy, we believe that it should be qualified in order to assure that the benefits of continuity in the specialist/listed company relationship will be preserved without sacrificing performance-based criteria. The Exchange therefore proposes that a specialist be allocated a previously listed security in which he was registered without the participation of the Committee on Equities Allocations¹ only if all of the following criteria are met: the company relists within two years of delisting; the company is substantially the same entity as prior to delisting; the company has no objection; and the specialist is qualified to receive the listing under the Exchange's performance-based allocations criteria.

A second, similar, practice has been followed where a security is listed which is related to another listed security. This may be the security of a partially-owned subsidiary of a listed

¹ The Committee on Equities Allocations ("Allocations Committee"—has been delegated authority by the Board to allocate securities, and to reallocate securities on the recommendation of the Committee on Specialist and Registered Trader Performance.

company; a spin-off (wholly-owned subsidiary); a convertible or non-convertible senior security; a security into which a listed security is convertible; or what is known as a "substitution listing", which involves a name change or reverse split.

Practice has been for the one related security to automatically be allocated to the specialist registered in another related security, without the participation of the Allocations Committee, since a related security's trading may affect and be affected by trading in the "primary" security. The Exchange proposes to continue this practice as policy with respect to convertible securities and substitution listings. These closely related issues would not be considered "new listings" and would not be subject to the allocation process, since their trading characteristics require that they be handled by the same specialist. However, the Exchange proposes a modified policy with respect to the securities of partially-owned subsidiaries and spin-offs, and non-convertible senior securities of an existing listed security, which may be less closely related. In these cases, the question of whether there should be a formal allocation will be referred to the Allocations Committee, accompanied by a staff recommendation based on trading characteristics as to whether the security should be assigned to the specialist in the related security. In cases where the staff recommends the security be allocated to that specialist, and the Allocations Committee concurs, the specialist would be registered in the new security. Where the Allocation Committee determines that the security does not require assignment to a specialist in a related security, regular allocations procedures would be followed.

The Exchange believes that these two additions to its allocations policies strike an appropriate balance between trading efficiency and performance-based allocation criteria.

(2) *Basis.* The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that the Exchange's procedures are designed to promote just and equitable principles of trade and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not create a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 19, 1984.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

June 20, 1984.

[FR Doc. 84-17215 Filed 6-27-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21072; File No. SR-MCC-84-5 and SR-MSTC-84-5]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Clearing Corp. and Midwest Securities Trust Co. Relating to Dial-Up Access Option in MST Communications System

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 8, 1984 the Midwest Clearing Corporation and Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached to the filing as Exhibit A are the procedures for the MST Communications System "dial-up" access option.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change will enhance the MST Communications System ("MST System") by providing a "dial-up" access option to Participants. Dial-up access will give smaller, lower volume Participants an economical and direct connection to the MST System. The dial-up system will be operated as a pilot program until the Commission approves these procedures.

Through dial-up access smaller Participants may enjoy the communications advantages now available to other Participants through

dedicated telephone lines. Dial-up access Participants may utilize the MST System terminal functions of Report Retrieval, Data Entry and Inquiry. Under the Report Retrieval function, Participants may have selected MST System daily reports, such as Activity or Net Position Reports printed by their own hardware. Through Data Entry, Participants can input commands for same-day security or cash movements such as depository delivery instructions or withdrawal instructions. Finally, by using the Inquiry function, Participants may ascertain their current positions or activity.

In designing dial-up access, MCC/MSTC has taken into consideration the concerns previously expressed by the Commission in approving clearing agency communications systems. See, e.g. Rel. 34-20519 (Dec. 30, 1983) (hereinafter "Release"). The Commission noted that there may be certain security problems under dial-up access that would not be found in a dedicated line system. Specifically, the Commission cautioned against unauthorized access to Participant funds and securities. See Release at 5-6.

In response to these concerns, MCC/MSTC's dial-up access includes several security safeguards. As detailed in the procedures attached as an Exhibit to the Filing, the system includes an elaborate password mechanism to prevent unauthorized access. The system also imposes various time limits for expected Participant responses: if the time limits are violated, access will be denied or terminated. Additionally, MCC/MSTC will actively monitor transactions input via dial-up access. If an unusual number of "faults" are detected, Participants will be contacted promptly.

Dial-up access should result in an improved communications system for smaller Participants, while minimizing the costs associated with such systems. Thus, MCC/MSTC's dial-up access represents the type of efficient, yet secure, communications system contemplated by the Commission's Release.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934, in that it will further the efficient handling of securities transactions. Specifically, the rule change utilizes new data processing and communications techniques available for securities processing, resulting in cost savings to Participants acting on behalf of investors. See Sections 17A(a) (1) (B), (C).

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation and Midwest Securities Trust Company do not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 19, 1984.

Dated: June 20, 1984.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-17214 Filed 6-27-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21078; File No. SR-MSRB-84-11]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Municipal Securities Rulemaking Board

June 21, 1984.

The Municipal Securities Rulemaking Board ("MSRB") on May 24, 1984, submitted copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to amend the requirements of rules G-12(f) and G-15(d) to exempt transactions in public housing authority project notes ("project notes") from automated confirmation and comparison requirements until January 1, 1985.

The United States Department of Housing and Urban Development ("HUD"), the Federal Reserve Bank of New York, and the Bankers Trust Company recently have developed a system for issuing and trading project notes in pure book-entry form. Because CUSIP numbers have been assigned to these project notes, they are subject to rules G-12(f) and G-15(d) pertaining to the use of automated systems for comparison and confirmation of transactions. The proposed rule change is intended to ease the implementation of the book-entry system by providing traders of project notes an opportunity to conform to the new system.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written comments concerning the submission within 21 days from the date of publication in the **Federal Register**. Persons submitting written comments would file six copies with the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Comments should refer to File No. SR-MSRB-84-11.

Copies of the submission and all related items, 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 at the office of the MSRB.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-17213 Filed 6-27-84; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

The Boston Stock Exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Alexander's Inc.

Common Stock, \$1 Par Value (File No. 7-7529)

Atlas Van Lines

Common Stock, No Par Value (File No. 7-7530)

Ahmanson (H.F.) & Co., Inc.

Common Stock, No Par Value (File No. 7-7531)

Fischback Corp.

Common Stock, \$1 Par Value (File No. 7-7532)

Interco, Inc.

Common Stock, No Par Value (File No. 7-7533)

Nucor Corp.

Common Stock, \$.40 Par Value (File No. 7-7534)

Western Digital Corp.

Common Stock, \$.10 Par Value (File No. 7-7535)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 12, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the

maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-17212 Filed 6-27-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21089; File Nos. SR-NASD-80-10; Amex 83-33; CBOE-83-53; NYSE-84-4; PSE-84-2; and Phlx 83-27; and NYSE 84-3]

Self-Regulatory Organizations; Extension of Deadline for Submitting Comments With Respect To Proposed Rule Changes; National Association of Securities Dealers, et al.

On June 12, 1980, the National Association of Securities Dealers, Inc. ("NASD") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") submitted to the Commission a proposed rule change to establish an over-the-counter ("OTC") market in standardized put and call options on certain individual securities.¹ On June 28, 1982, the NASD submitted to the Commission Amendment No. 1 to this proposed rule change. Amendment No. 1, among other things, proposed to establish an OTC market in standardized put and call options on certain stock indices.² On December 1, 1982, the NASD submitted to the Commission Amendment No. 2 to the proposed rule change. Amendment No. 2 provided for the OTC trading of additional stock indices.³ In addition, on December 22, 1983, the NASD submitted to the Commission several documents describing the proposed rule change, as amended; proposing certain changes to the proposal; and discussing certain issues raised in previous comments on the proposal.⁴

From November 1983 to February 1984, the Chicago Board Options Exchange, Incorporated ("CBOE"); American Stock Exchange, Inc. ("Amex"); Pacific Stock Exchange, Inc. ("PSE"); Philadelphia Stock Exchange, Inc. ("Phlx"), and New York Stock Exchange, Inc. ("NYSE") filed with the

¹ Notice of the proposed rule change was given in Securities Exchange Act Release No. 18979, July 15, 1980; 45 FR 53295, August 11, 1980.

² Notice of Amendment No. 1 was given in Securities Exchange Act Release No. 18917, July 26, 1982; 47 FR 33575, August 3, 1982.

³ Notice of Amendment No. 2 was given in Securities Exchange Act Release No. 19330, December 13, 1982; 47 FR 57812, December 28, 1982.

⁴ Submission of December 22, 1983, accompanied by letter dated December 22, 1983, from Gordon Macklin, President, NASD, to Douglas Scarff, Director, Division of Market Regulation, SEC (the "December submission").

Commission pursuant to Section 19(b)(1) of the Act proposed rule changes to permit the listing and exchange trading of standardized options on securities that are not listed and registered on a national securities exchange under Section 12(a) of the Act ("OTC securities") but are designated as national market system securities under Rule 11Aa2-1(b)(1) under the Act ("NASDAQ/NMS tier I securities").⁵ On April 12, 1984, the Commission issued a release extending to June 15, 1984 the period for public comment on the NASD and exchange proposals and to solicit additional written submission of data, views and comments from interested persons.⁶

On January 17, 1984, the NYSE filed with the Commission pursuant to Section 19(b)(1) of the Act a proposed rule change to establish an options trading program for standardized put and call options on individual listed stocks.⁷ On May 2, 1984, the Commission issued a release extending the period for comment on this proposal and requesting additional comment from interested persons.⁸

Since issuance of the April and May Releases, the Commission has received several requests to extend the period for comment on these proposals beyond June 15, 1984.⁹ These requests suggest

⁵ Notice of CBOE's proposal was given in Securities Exchange Act Release No. 20471, December 9, 1983; 48 FR 55939, December 16, 1983; notice of Amex's proposal was given in Securities Exchange Act Release No. 20498, December 16, 1983; 48 FR 56875, December 23, 1983; notice of PSE's proposal was given in Securities Exchange Act Release No. 20538, January 6, 1984; 49 FR 1808, January 13, 1984; notice of Phlx's proposal was given in Securities Exchange Act Release No. 20690, February 23, 1984; 49 FR 4684, March 1, 1984; and notice of NYSE's proposal was given in Securities Exchange Act Release No. 20691, February 23, 1984; 49 FR 7682, March 1, 1984.

⁶ See Securities Exchange Act Release No. 20853, April 12, 1984, 49 FR 15291, April 18, 1984 ("April Release").

⁷ Notice of this NYSE proposal was given in Securities Exchange Act Release No. 20613, January 31, 1984, 49 FR 5481, February 7, 1984.

⁸ Securities Exchange Act Release No. 20921, May 2, 1984; 49 FR 19590, May 8, 1984 ("May Release").

⁹ See letter dated June 12, 1984, from Arne Rode, General Counsel, Chicago Board Options Exchange, Inc. ("CBOE"), to George A. Fitzsimmons, Secretary, SEC; letter dated June 13, 1984, from Barbara Rothenberg, Senior Vice President and General Counsel, Philadelphia Stock Exchange, Inc. ("Phlx"); and letter dated June 18, 1984, from Robert J. Birnbaum, President Amex, to Richard T. Chase, SEC. The Commission has also received numerous informal requests for extensions of these comment periods.

more time is needed to analyze and respond to the numerous and complex issues raised in the April and May Releases. The Phlx requests an extension of time to September 15, 1984 for comment on the NYSE listed options proposal, and an extension of time for a "reasonable" period after September 15, 1984 to comment on the options on over-the-counter securities proposals. The CBOE requests an extension of time to comment on both the options on over-the-counter securities proposals and the NYSE listed options proposal to August 31, 1984. Amex requests an extension of time to August 1, 1984 to respond to the NYSE listed options proposal.

While the Commission agrees that the issues discussed in the April and May Releases are both numerous and complex, we also note that, for the most part, these issues have been raised previously in one form or another. As described above, the NASD proposal was noticed in 1980. In addition, as early as 1977 the NYSE proposed to offer options on listed stocks.¹⁰ On balance, the Commission believes that 90 days is both an adequate and necessary length of time within which to analyze and respond to the complex but not entirely new issues discussed in the April and May Releases.¹¹

For these reasons, the Commission is extending the time for comment on the above-captioned rule proposals to July 16, 1984.

By the Commission.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-17308 Filed 6-27-84; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

The Philadelphia Stock Exchange ("Phlx") has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities and Exchange Act of 1934 and Rule 12f-1

¹⁰ Proposals to trade options on the NYSE and over-the-counter were commented on by members of the industry and discussed in detail in the Report of the Special Study of the Options Market to the SEC, H.R. Rep. No. 1FC-3, 96th Cong., 1st Sess. (Comm. Print 1978).

¹¹ The Commission has today also extended to July 16, 1984 the time for comment upon proposed amendments to Rule 11Aa2-1 under the Act, which amendments would, if adopted, expand the number of stocks eligible for designation as national market system stocks. Because the NASD and exchange options proposals both would establish eligibility criteria for underlying stocks based in part upon national market system designation, the Commission feels that it is appropriate for the comment periods on these separate proposals to run concurrently.

thereunder, for unlisted trading privileges in the common stock of: Rollins Communications, Inc.

Common Stock, \$0.10 Par Value (File No. 7-7536)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 16, 1984 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-17309 Filed 6-27-84; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

The Philadelphia Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Tambrands, Inc.

Common Stock, \$.25 Par Value (File No. 7-7537)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 16, 1984 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available

to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-17310 Filed 6-27-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Supplemental Environmental Impact Statement; Cities of Newport News and Suffolk, Virginia

AGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a supplemental environmental impact statement will be prepared for a proposed Bridge/Tunnel Complex across Hampton Roads between Newport News Point and the South Shore at Suffolk, Virginia.

FOR FURTHER INFORMATION CONTACT: George E. Kirk, Jr., District Engineer, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia 23240-0045, Telephone (804) 771-2380 Comm., 925-2380 FTS.

SUPPLEMENTARY INFORMATION: The Virginia Department of Highways and Transportation proposes to construct a Bridge/Tunnel Complex across Hampton Roads between Newport News and Suffolk. The Highway Department proposes to obtain 2.25 million yards of backfill material for two tunnel island complexes and for tunnel trench from Thimble Shoal Channel located in the lower Chesapeake Bay. The project will impact two Federal Project Channels and is in an area of productive shellfish beds. The purpose of the project is to provide additional capacity for crossing Hampton Roads by completion of I-664 to the South Shore of Hampton Roads. The FHWA prepared an FEIS for the entire I-664 route from I-64 in Hampton to Route 17 in Suffolk which was approved on January 24, 1974. The purpose of the supplement is to update the existing document by providing additional studies for the Bridge/Tunnel Complex to comply with existing regulations that were not in effect when the original document was prepared.

Alternatives which will be investigated include but will not be limited to other locations for the borrow site and no project.

The Council on Environmental Quality Regulations for implementing the Procedural Provisions of the National Environmental Policy Act do not require scoping for supplemental EIS's. However, the project has been closely coordinated with State and Federal agencies on numerous occasions. Significant issues which have already been identified include the impact to shellfish beds and to the Newport News Creek and Newport News Channel Federal project channels.

The Draft Supplement will be available for public and agency review and comments. No public hearing will be held.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding State and local review of Federal and Federally assisted programs and projects apply to this program.

Issued on: June 22, 1984.

M. J. Deale,

Engineering Coordinator, Richmond, Virginia.

[FR Doc. 84-17180 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Baton Rouge, Louisiana

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 project in Baton Rouge, Louisiana.

FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth A. Perret, Project Development Engineer, Federal Highway Administration, Louisiana Division, P.O. Box 3929, Baton Rouge, Louisiana 70821, Telephone: (504) 389-0466; or Mr. Vincent Pizzolato, Public Hearings and Environmental Impact Engineer, Louisiana Department of Transportation and Development, Office of Highways, P.O. Box 44245, Capitol Station, Baton Rouge, Louisiana 70804, Telephone: (504) 342-7542.

SUPPLEMENTARY INFORMATION: The

FHWA, in cooperation with the Louisiana Department of Transportation and Development, Office of Highways (LDOTD), intends to prepare an environmental impact statement (EIS) on a proposal to improve the intersection of College Drive at I-10 in Baton Rouge. The proposed action would include widening College Drive in the vicinity of the interchange, a new access ramp for southbound College Drive traffic onto the westbound lane of I-10, an additional lane on westbound I-10 between College Drive and South Acadian Thruway, and realignment of each of the existing College Drive I-10 entrances and exits. The purpose of the proposed improvements is to relieve the congestion and hazardous intersection conditions that presently exist.

Alternatives under consideration include (1) no action; and (2) three additional interchange configurations, all of which would include widening College Drive in the vicinity of the interchange and an additional lane on westbound I-10 between College Drive and South Acadian Thruway.

In a related but independent action the city of Baton Rouge proposes to extend Bawell Street (two lanes) northerly to intersect South Acadian Thruway, thus providing additional access between College Drive and Acadian Thruway in the immediate area of the proposed action. Another related but independent action in the immediate area involves the extension of Corporate Boulevard (four lanes) southerly from College Drive to the existing intersection of Old Hammond and Jefferson Highways. These street extensions are separate and independent actions with regard to the proposed improvements at College Drive and I-10 but may affect the traffic pattern in the vicinity of the interchange.

There are currently no plans to hold a formal scoping meeting for the proposed action. A public hearing will be held at a convenient time and place for persons in the project area after the draft environmental impact statement has been circulated. The hearing will be announced through the local news media.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA or Louisiana Department of Transportation and Development at the addresses provided above.

Issued on: June 18, 1984.

Kenneth A. Perret,

Project Development Engineer, Louisiana Division, Baton Rouge, Louisiana.

[FR Doc. 84-17302 Filed 6-27-84; 8:45 am]

BILLING CODE 4910-22-M

Sunshine Act Meetings

Federal Register

Vol. 49, No. 126

Thursday, June 28, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Wednesday, June 27, 1984, 9:00 a.m.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, DC.

STATUS: Open to the Public.

MATTER TO BE CONSIDERED: FY 1985 Operating Plan.

The Commission will continue its discussion on issues related to the Operating Plan for Fiscal Year 1985, which began on Monday, June 25th.

For a recorded message containing the latest agenda information call: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301-492-6800.

June 26, 1984.

Sheldon Butts,

Deputy Secretary.

[FR Doc. 84-17377 Filed 6-26-84; 1:37 pm]

BILLING CODE 6355-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 am. (Eastern Time), Tuesday, July 3, 1984.

PLACE: Commission Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street N.W. Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes
2. A Report on Commission Operations (Optional)
3. Freedom of Information Act Appeal No. 84-3-FOIA-45-BA, concerning a request for copies of documents from a charge file.
4. Freedom of Information Act Appeal No. 84-3-FOIA-62-CL, Concerning a request for a document from closed Title VII/ADEA file.
5. Recommendation for Processing Charges Alleging Unequal Benefits Based on Sex-Based Mortality Tables
6. Proposed FY 1984 Title VII Contract to the Anchorage Equal Rights Commission

Closed

1. Litigation Authorization; General Counsel Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

Dated: June 26, 1984.

Treva McCall,

Executive Secretary to the Commission.

[FR Doc. 84-17376 Filed 6-26-84; 1:37 pm]

BILLING CODE 6750-05-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, June 25, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,056-L (amended)—City and County Bank of Knox County, Knoxville, Tennessee, United Southern Bank of Nashville, Nashville, Tennessee, United American Bank in Hamilton County, Chattanooga, Tennessee, City and County Bank of Roane County, Kingston, Tennessee, City and County Bank of Anderson County, Lake City, Tennessee, First Peoples Bank of Washington County, Johnson City, Tennessee, First Commerce Bank of Hawkins County, Rogersville, Tennessee, City and County Bank of Jefferson County, White Pine, Tennessee

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: June 25, 1984.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[FR Doc. 84-17353 Filed 6-26-84; 12:22 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 25, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter: Application of Federal Finance & Mortgage, Ltd., an operating noninsured industrial bank located at 911 Keeaumoku Street, Honolulu, Hawaii, for Federal deposit insurance.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject

matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: June 25, 1984.
Federal Deposit Insurance Corporation.
Alan J. Kaplan,
Deputy Executive Secretary.
[FR Doc. 84-17354 Filed 6-28-84; 12:22 pm]
BILLING CODE 6714-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published June 26, 1984.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: June 28, 1984, 10:00 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No. and Company
CAG-35-ST82-322-002 and ICP82-356-002
Dow Intrastate Gas Company.
Kenneth F. Plumb,
Secretary.
[FR Doc. 84-17346 Filed 6-28-84; 10:35 am]
BILLING CODE 6717-02-M

6

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 2:00 p.m., Monday, July 2, 1984.

PLACE: Board Room, 6th Floor, 1700 G St., N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6970).

MATTERS TO BE CONSIDERED: Limitations on Acceptance of Brokered Deposits,

Recordkeeping for Insurance of Accounts.

J. J. Finn,
Secretary.

[FR Doc. 84-17374 Filed 6-28-84; 1:17 pm]

BILLING CODE 6720-01-M

7

FEDERAL HOME LOAN BANK BOARD

Note.—This document supersedes Document No. 84-17258 which was published June 27, 1984.

TIME AND DATE: 2:00 p.m., Friday, June 29, 1984.

PLACE: Board Room, 6th Floor, 1700 G St., N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6970).

MATTERS TO BE CONSIDERED: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled for Friday, June 29, 1984, at 2:30 p.m., and added to the open portion of the Bank Board meeting scheduled for Monday, June 2, 1984, at 2:00 p.m.

Finance Subsidiaries

J. J. Finn,
Secretary.

[FR Doc. 84-17375 Filed 6-28-84; 1:17 pm]

BILLING CODE 6720-01-M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

June 25, 1984.

TIME DATE: 10:00 a.m., Tuesday, July 3, 1984.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Secretary of Labor, ex rel. Roy Logan v. Bright Coal Company, Inc., and Jack

Collins, Docket No. KENT 81-162-D. (Issues include whether the ALJ erred in concluding that the Secretary would be required to disclose to the respondents certain investigating material.)

2. Westmoreland Coal Company, Docket No. WEVA 82-152-R. (Issues include whether the ALJ erred in concluding that the operator violated 30 CFR 75.202, a mandatory safety standard dealing with roof control.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

Jean H. Ellen,
Agenda Clerk.

[FR Doc. 84-17339 Filed 6-28-84; 10:35 am]

BILLING CODE 6753-01-M

9

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 held the following closed meeting on Friday, June 22, 1984, at 10:45 a.m. at 450 5th Street, N.W., Washington, D.C. to consider the following item.

Litigation matter.

Chairman Shad and Commissioners Treadway, Cox, Marinaccio and Peters determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Kohn at (202) 272-3195.

George A. Fitzsimmons,
Secretary.

June 26, 1984.

[FR Doc. 84-17355 Filed 6-28-84; 12:23 pm]

BILLING CODE 8010-01-M

Federal Register

Thursday
June 28, 1984

Part II

Department of Agriculture

Animal and Plant Health Inspection
Service

9 CFR Part 3
Animal Welfare, Marine Mammals; Final
Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. 83-122]

Animal Welfare, Marine Mammals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations concerning the humane handling, care, treatment, and transportation of marine mammals. The amendments are necessary in order to update the regulations and to provide more appropriate requirements with regard to marine mammals held in captivity.

DATE: The effective date of this rule is July 30, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. R. L. Crawford, Animal Care Staff, VS, APHIS, USDA, Room 763, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7833.

SUPPLEMENTARY INFORMATION:

Background

In a document published in the *Federal Register* on July 29, 1983 (48 FR 34710-34721) and corrected on August 5, 1983 (48 FR 35654), the Department proposed to amend the "Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals" regulations (contained in 9 CFR 3.100 *et seq.* and referred to below as the regulations). The amendments were proposed to update the regulations and to provide more appropriate requirements for the humane handling, care, treatment, and transportation of marine mammals.

The document of July 29, 1983, invited the submission of written comments on or before August 29, 1983, and a document published in the *Federal Register* on August 29, 1983 (48 FR 39078) extended the comment period until September 30, 1983.

A final rule published in the *Federal Register* on August 29, 1983 (48 FR 39035-39036) amended § 3.100 of the regulations to allow facilities operating under variances that had been scheduled to expire on September 20, 1983, to continue operating under such variances until this rule becomes effective. A variance is written permission from the Deputy Administrator to operate as a licensee or registrant under the Act without being in full compliance with one or

more specified provisions of the regulations.

Twenty-one comments were received in response to the proposal. These comments were from representatives of aquariums, zoological parks, humane associations, and other persons from the marine mammal industry. Except as explained below, the provisions in the proposal have been adopted in the final rule as proposed.

Space Requirements

This document amends the regulations concerning space requirements for cetaceans, pinnipeds, sirenians, polar bears, and sea otters.

Space requirements for primary enclosures for certain marine mammals are calculated by using specified formulas based on the average adult lengths of classes of such animals. Table III in § 3.104(b), captioned "Average Adult Lengths of Marine Mammals Maintained in Captivity," is intended to list species, common names, and average adult lengths of certain marine mammals known by the Department to be maintained in captivity or likely to be maintained in captivity.

For certain marine mammals the primary enclosures may consist entirely of a pool of water, but for others, in addition to a pool of water, the primary enclosures must include certain dry areas. Space requirements for primary enclosure pools are measured by specified criteria which may include minimum horizontal dimension (sometimes referred to below as MHD), depth, pool volume, and surface area. MHD is defined in 9 CFR 1.1(tt) as the diameter of a circular pool of water, or in the case of a square, rectangular, oblong, or other shape pool, the diameter of the largest circle that can be inserted within the confines of such a pool of water.

Cetaceans

Cetaceans are an order of marine mammals which includes whales, dolphins, and porpoises. The regulations provide that primary enclosures housing cetaceans shall contain a pool of water and may consist entirely of a pool of water.

The regulations divide cetaceans into two groups for purposes of determining space requirements. With respect to criteria for the two groups of cetaceans, the proposal stated as follows (48 FR 34710):

The regulations divide cetaceans into two groups for purposes of determining space requirements. Group I cetaceans, mostly animals that usually inhabit waters near land, are animals for which considerable information has been developed concerning

space requirements. Group II cetaceans, animals that live near the surface of the ocean far from land, are animals for which less information has been developed concerning space requirements. Accordingly, the formulas are designed to allow more space for Group II cetaceans than for Group I cetaceans as a precautionary measure in order to help assure that Group II cetaceans have sufficient space in their primary enclosures.

In order to more clearly reflect the intent with respect to the two groups of cetaceans, the criteria is changed as follows:

Group I cetaceans, mostly animals that usually inhabit waters near land, are animals for which it has been determined that they should be able to be adequately maintained under Group I conditions. In general, it was intended that Group I include the slower moving cetaceans and those cetaceans which inhabit coastal waters since coastal animals would be used to shallower waters and more confined space than pelagic (living in open waters) animals. Group II cetaceans, mostly animals that live near the surface of the ocean far from land, are animals for which it has been determined that they should be provided more space than Group I animals. In general, it was intended that this group include the faster moving cetaceans. Most pelagic cetaceans should be included in Group II since pelagic cetaceans are usually faster moving cetaceans.

In addition, prior to the effective date of this document, the regulations in § 3.104(b)(1) (i) and (ii) provided for the determination of the MHD of a pool for cetaceans based, among other things, on a measurement from the tip of the lower jaw to the notch in the tail fluke. However, the Department has been advised that instead it is the standard practice to measure from the tip of the upper jaw or from the most anterior portion of the head in bulbous headed animals. Therefore, the final rule reflects this change.

Table III for Cetaceans

The Department proposed to add the Minke whale (*Balaenoptera acutorostrata*) to the list of Group I cetaceans. Two commenters recommended that the Minke whale be included in the list of Group II cetaceans, based on the assertion that, even though the species is semi-coastal rather than pelagic, the scientific community's experience and understanding of their needs in captivity is extremely limited. No changes are made based on these comments. Although the Department is not aware of any Minke whales in captivity in the United States, information furnished to the Department by the Marine Mammal Advisory Committee of the American Association of Zoological Parks and

Aquariums (AAZPA) indicates that the Minke whale has been successfully maintained in captivity in Japan under conditions similar to Group I requirements. Further, the Department is not aware of any information to indicate otherwise.

The Department proposed to add the Narwhale (*Monodon monoceros*) to the list of Group I cetaceans. One commenter recommended that the Narwhale be included in Group II based on the assertion that although a few have been captured and maintained in captivity for brief periods of time, they have not been successfully maintained and not enough information or experience has been gained to reliably judge their needs for space in captivity. No changes are made based on this comment. The Narwhale is a slow swimmer that inhabits a limited range in Arctic waters. These characteristics indicate that the Narwhale should be included in Group I.

The Department proposed to add the pygmy sperm whale (*Kogia breviceps*) and the dwarf sperm whale (*Kogia simus*) to the list of Group I cetaceans. One commenter recommended that these animals be added to the list of Group II cetaceans based on the assertion that there is no record of such live-captured animals having been maintained in captivity successfully and that the little that is known suggests that they are pelagic species. Based upon a reevaluation, the Department agrees with the commenter's statements and has included the pygmy sperm whale and the dwarf sperm whale in the list of Group II cetaceans.

The Department proposed to amend the listing for Group I cetaceans by changing the specified average adult length of the killer whale (*Orcinus orca*) from 6.86 meters (22.5 feet) to 7.32 meters (24.0 feet). One commenter stated that data in the literature indicates sexual dimorphism should be considered and that the average adult length of males should be 6.4 meters (21.0 feet) and females 6.1 meters (20.0 feet). In support of his recommendation, the commenter cited two studies. However, he indicated that the studies may contain errors. No changes are made based on this comment. There is not sufficient information available to recognize sexual dimorphism for any cetaceans. Information available to the Department, including data concerning known mature adults in captivity in the United States, indicates that the average adult length of the killer whale is 7.32 meters (24.0 feet).

The Department proposed to amend the listing for Group I cetaceans by changing the specified average adult

length of the false killer whale (*Pseudorca crassidens*) from 5.64 meters (18.5 feet) to 4.35 meters (14.3 feet). One commenter recommended that the average adult length remain at 5.64 meters, based on measurements of a school of these animals which was stranded in Scotland. In that sample, the largest animal was 5.69 meters and there were 8 animals in excess of 4.9 meters. The mean length was 5.2 meters (16.1 feet). Also, the commenter stated that records indicate that the range of lengths for the false killer whale is from 4.4 to 5.8 meters. No changes are made based on this comment. It appears that the commenter's suggested average adult length is representative of an isolated group, but not representative of the species as a whole. Field measurements from a large sampling indicate that the statement of the average adult length should be reduced to 4.35 meters (14.3 feet), as proposed.

Both the false killer whale (*Pseudorca crassidens*) and the killer whale (*Orcinus orca*) are currently listed as Group I cetaceans. No changes were proposed with respect to their group listing. One commenter suggested that both be changed to Group II. It was asserted that the false killer whale has been observed feeding on dead porpoises spilling out of tuna purse seine nets thousands of miles from the nearest land. With respect to the killer whale, it was asserted that recent evidence indicates that these animals are pelagic in nature and that the "conventional wisdom" about killer whales inhabiting primarily coastal cold water regions might not be true. No changes are made based on these comments. Although isolated sightings have been made of false killer whales and killer whales in the open sea, family groups are customarily observed in offshore waters, bays and sounds. Further, the large number of these animals successfully maintained in captivity under Group I conditions confirms that they should continue to be listed as Group I cetaceans.

The beluga (*Delphinapterus leucas*) is listed as a Group I cetacean with an average adult length of 4.27 meters (14.0 feet). No changes were proposed with respect to the grouping or the average adult length of the beluga. One commenter recommended that data from the Churchill River (Hudson's Bay) population be used to determine the average adult length of the beluga, based on the assertion that it is likely that future belugas will come from there. The commenter further recommended that sexual dimorphism be considered and that the modal maximal lengths of 3.70 meters (12.1 feet) for males and 3.10

meters (10.2 feet) for females, as given by Sergeant and Brodie (1969), be adopted.

Also, the long-finned pilot whale (*Globicephala melaena*) is listed as a Group I cetacean with an average adult length of 5.79 meters (19.0 feet). No changes were proposed with respect to the grouping or the average adult length of the long-finned pilot whale. One commenter suggested that the average adult length be listed as 4.88 meters (16.0 feet) for males and 3.66 meters (12.0 feet) for females, based on the assertion that the listed length exceeds the lengths at functional maturity and does not account for the marked sexual dimorphism characteristic of the species.

No changes are made with respect to the beluga or the long-finned pilot whale based on these comments. As noted above, there is not sufficient information available to recognize sexual dimorphism for any cetaceans. With respect to the beluga, while the commenter's suggested average adult length may be representative of one group of belugas, it does not appear, based on large samplings, that it is representative of the species as a whole. Further, it would be inappropriate to base average adult length solely on the Churchill River population since the source of future belugas will not necessarily be confined to the Churchill River population. With respect to the long-finned pilot whale, the Department acknowledges that the statement of average adult length may exceed the length at functional maturity. However, the animals may reach full growth in captivity. Therefore, it is necessary that the average adult length represent the average length of a species that has reached its full growth rather than merely the average length at functional maturity.

Group II Cetaceans

The Department proposed to add the Greys white-sided dolphin (*Lagenorhynchus thicola*) to the list of Group II cetaceans. One commenter recommended that the Greys white-sided dolphin not be added to the list of Group II cetaceans based on the assertion that the species does not exist. The commenter further indicated that the species identification was founded only upon limited skull findings that have since been identified as either the Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) or the Northern right whale dolphin (*Lissodelphis borealis*), both of which are in the current list of cetaceans. The Department agrees with the commenter

and the Greys white-sided dolphin is not included in the list of cetaceans in the final rule.

The Department proposed to add the Commerson's dolphin (*Cephalorhynchus commersonii*) to the list of Group II cetaceans. One commenter supported the inclusion of this dolphin in Group II based on the assertion that there is limited knowledge and experience concerning its needs in captivity. Two commenters recommended that the Commerson's dolphin be included in the list of Group I cetaceans based on research indicating that the animal's behavior is more characteristic of Group I cetaceans. The Department has determined, based on information provided by AAZPA, that this animal inhabits harbors and coastal areas. Further, based on observation it has been determined that this animal can be adequately maintained under Group I conditions. Accordingly, Commerson's dolphin is included in the list of Group I cetaceans in the final rule.

The Department proposed to add the Atlantic white-sided dolphin (*Lagenorhynchus acutus*) to the list of Group II cetaceans. One commenter recommended that this animal be included in the list of Group I cetaceans based on the assertion that experience indicates that the space requirements for Group I cetaceans would be more than sufficient to allow the Atlantic white-sided dolphin adequate freedom of movement. No changes are made based on this comment. It has been determined that the Atlantic white-sided dolphin is a pelagic species. Further, based on observation it has been determined it should be maintained under Group II conditions in order to be adequately maintained.

The Department proposed to transfer the harbor porpoise (*Phocoena phocoena*) from the list of Group I cetaceans to the list of Group II cetaceans. One commenter supported including the harbor porpoise in Group II, based on the assertion that there is limited knowledge and experience concerning their needs in captivity. Five commenters recommended that the harbor porpoise remain listed as a Group I cetacean based on documentation that the animal is normally found in harbors, estuaries, and coastal rivers. Data available to the Department indicate that the harbor porpoise is normally found in harbors, estuaries, and coastal rivers. Further, based on observation the Department has determined that the harbor porpoise can be adequately maintained under Group I conditions. Therefore, the

harbor porpoise is included in the list of Group I cetaceans in the final rule.

One commenter recommended that a re-analysis of the average adult lengths for cetaceans be made, giving consideration to wild adult cetaceans as well as adults in captivity and substantiating the listing with an appendix which lists the range of lengths for each species and which divides the species by sex where applicable. No changes are made based on this comment. The average adult lengths are based on information available concerning the animals both in captivity and in the wild. Further, as more information becomes available, the Department will consider amending the stated average adult lengths. In addition, as noted above, there is not sufficient information available to recognize sexual dimorphism for any cetaceans. Also, there does not appear to be a need for establishing a range of lengths for cetaceans under the regulations.

Sirenians

No changes were proposed concerning the space requirements for primary enclosures for housing sirenians. One commenter requested that the 24 feet MHD and the 20 percent MHD adjustment that were proposed for cetaceans also apply to sirenians. Another commenter suggested that the minimum depth requirement for sirenians be greater than that for similar length cetaceans, based on their different behavioral needs. In this connection it was asserted that a considerable portion of the daily activity of sirenians (especially resting time) is spent with their bodies in a vertical position whereas cetaceans spend relatively more time in a horizontal position. No changes are made based on these comments. Information available to the Department indicates that, compared to most cetaceans, sirenians are docile, slow moving animals. Further, sirenians normally inhabit and feed in shallow areas and spend much time resting at the surface. Additionally, there have been no apparent problems with the present standards for sirenians. It appears that the current requirements provide the minimum space requirements that would generally allow sirenians sufficient space, both horizontally and vertically, so that they would be able to make normal postural and social adjustments with adequate freedom of movement.

Pinnipeds

Prior to the effective date of this document, Table III in § 3.104(b) listed the average adult length of *Phoca*

vitulina (harbor seal) as 1.68 meters (5.5 feet). The Department proposed to change the average adult length to 1.70 meters (5.6 feet) for males and 1.50 meters (4.9 feet) for females. The Department also proposed to add to the list of Group I pinnipeds another species of harbor seal, *Phoca larga*, with the same average adult lengths as proposed for *Phoca vitulina*. One commenter objected to these proposed lengths for both *Phoca vitulina* and *Phoca larga*, based on his experience as an exhibitor of three adult females, all under 4.6 feet in length, and one adult male, under 5 feet in length. No changes are made based on these comments. Although a limited sampling of harbor seals may indicate lengths shorter than those proposed, it appears, based on a large sampling, that the statement of average adult lengths of these animals should be adopted as proposed.

The Department proposed to change the statement of the average adult length of the Northern elephant seal (*Mirounga angustirostris*) from 5.18 meters (17.0 feet) for both males and females to 5.00 meters (16.4 feet) for males and 3.00 meters (9.8 feet) for females. Three commenters asserted that the proposed lengths should be changed to 3.96 meters (13.0 feet) for males and 2.49 meters (8.2 feet) for females, based on data from extensive field measurements taken over a period of 15 years. The lengths stated in the proposal were in error and the Department agrees with the commenters. Therefore, the average adult lengths of the Northern elephant seal are changed accordingly.

The Department proposed to separate pinnipeds into Groups I and II. Group I pinnipeds would consist of those pinnipeds generally considered to be gregarious and social animals. Group II would consist of those pinnipeds that are considered to be more aggressive animals. One commenter specifically supported the division because it would provide additional space for the more aggressive species. Another commenter objected to dividing pinnipeds into two groups based on the assertion that many pinnipeds are social only at certain times of the year, such as the breeding season, and are solitary the rest of the time. No changes are made based on this comment. Some pinnipeds are more aggressive at certain times of the year; other pinnipeds are aggressive year round. However, they are maintained in the same facility year round. Therefore, it is necessary to ensure that they have sufficient space year round so that they will have sufficient space for the times they are aggressive.

The Department proposed to include the following animals, among others, in the list of Group I pinnipeds:

Ribbon seal (*Phoca fasciata*),

Harbor seal (*Phoca larga*),

Baikal seal (*Phoca sibirica*),

Crabeater seal (*Lobodon carcinophagus*),

Ross seal (*Ommatophoca rossi*), and

Leopard seal (*Hydrurga leptonyx*).

One commenter recommended that these animals be included as Group II species, based on the assertion that their patterns of dispersion during breeding, and to some degree outside of breeding, are more similar to the three Group II species than to the other Group I species. No changes are made based on this comment. There may be some similarity in patterns of dispersion in the wild between Group I and Group II pinnipeds. However, observations indicate that the sociability level of these pinnipeds fits with the Group I classification.

In Table III as proposed, some of the Group I pinnipeds were marked with a double asterisk (**). It was proposed that any Group I pinnipeds maintained together be considered as Group II when the animals maintained together include two or more sexually mature males from species marked with a double asterisk (**) regardless of whether the sexually mature males come from the same species. The California sea lion (*Zalophus californianus*) was listed in the proposal as a Group I pinniped but was not marked with a double asterisk. Two commenters recommended that this animal be included among those species for which two or more sexually mature males housed together would change their status to Group II. The recommendation was based on the assertion that all the evidence of their aggressive behavior is comparable to that seen in other otariids and that all the other otariids listed in Table III change to Group II when two or more males are put together. No changes are made based on these comments.

Extensive numbers of California sea lions, with two or more sexually mature males housed together, have been maintained in captivity under Group I conditions. Observation of their level of sociability indicates that they are properly classified in Group I.

Prior to the effective date of this document, § 3.104(d)(2) of the regulations provided that the dry resting or social activity area of the primary enclosure for all pinnipeds (exclusive of the pool of water) shall be calculated as follows:

The minimum size of the dry resting or social activity area of the primary enclosure

for pinnipeds (exclusive of the pool of water) shall be based on the average adult length of each pinniped contained therein, as measured in a horizontal or extended position in a straight line from the tip of its nose to the tip of its tail. The minimum size of the dry resting and social activity area shall be computed using the following method: List all pinnipeds contained in a primary enclosure by average adult length in descending order from the longest species of pinniped to the shortest species of pinniped. Square the average adult length of each pinniped. Multiply the average adult length squared of the longest pinniped by 1.5, the second longest by 1.4, the third longest by 1.3, the fourth longest by 1.2, and the fifth longest by 1.1, as indicated in the following examples. Square the average adult length of the sixth pinniped and all additional pinnipeds. Add the figures obtained for all the pinnipeds in the primary enclosure to determine the required minimum dry resting and social activity area required for such pinnipeds. * * *

The Department proposed to retain these provisions for calculating the dry resting or social activity area for the primary enclosures housing Group II pinnipeds, or for a mixture of Group I and Group II pinnipeds. It was further proposed that if only a single Group II pinniped is maintained in the primary enclosure, the minimum dry resting or social activity area must be computed for a minimum of two pinnipeds.

The Department further proposed to calculate the dry resting or social activity area for Group I pinnipeds as follows:

Square the average adult length of each pinniped to be contained in the primary enclosure. Add the figures obtained for each of the pinnipeds in the primary enclosure to determine the dry resting or social activity area required for such pinnipeds. If only a single Group I pinniped is maintained in the primary enclosure, the minimum dry resting or social activity area is twice the square of the average adult length of that single Group I pinniped.

Two commenters suggested that the proposed sizes of the dry resting area (DRA) for pinnipeds would be too large. One commenter asserted that pinnipeds need a DRA of no more than 10 square feet per animal, based on experience with 14 seals using 32 square feet for years with no ill effects. The other commenter asserted that a DRA is not necessary because the animals would not use it for its intended purpose. It was suggested that the DRA for 1 pinniped should be the average length squared and the DRA for each additional pinniped should be twice its average adult length. No changes are made based on these comments. Based on observation, it is clear that pinnipeds do use DRA's as a social activity area, and that the DRA sizes should be

adopted as proposed. Although at times pinnipeds do pile up in one area, they also often spend time separate from other pinnipeds. The DRA sizes as proposed are necessary to accommodate them.

Polar Bears

The regulations provide that primary enclosures housing polar bears shall consist of a pool of water, a dry resting and social activity area, and a den.

Prior to the effective date of this document, § 3.104(e) provided, among other things, that the pool of water for one or two polar bears shall be at least 2.44 meters (8.0 feet) by 3.66 meters (12.0 feet) with a minimum depth of 1.52 meters (5.0 feet). It was proposed that these provisions be amended to provide that the pool of water for one or two polar bears shall have a minimum horizontal dimension (MHD) of not less than 2.44 meters (8.0 feet), a surface area of at least 8.93 square meters (96.0 square feet), and a minimum depth of 1.52 meters (5.0 feet). One commenter supported the proposed changes in space requirements. Another commenter opposed these requirements, based on the assertion that he kept polar bears in a pool smaller than required by the proposed regulations without any apparent damage to the animals. No changes are made based on these comments. Observation indicates that the space requirements set forth in the final rule are necessary in order to allow polar bears sufficient space, both horizontally and vertically, so that they would be able to make normal postural and social adjustments with adequate freedom of movement.

Another commenter suggested that polar bears be removed from the list of marine mammals based on the assertion that they are not marine mammals. No changes are made based on this comment. These regulations are issued under the Animal Welfare Act. Polar bears are subject to regulation under this Act regardless of whether they are classified as marine mammals. Although there may be some disagreement, the polar bear is generally recognized by the scientific community as a marine mammal. It should also be noted that Congress specifically recognized the polar bear as a marine mammal in the Marine Mammal Protection Act (16 U.S.C. 1362(5)).

Sea Otter

Prior to the effective date of this document, § 3.104(f) provided, among other things, that the minimum horizontal dimension (MHD) of the pool of water for sea otters shall be at least

twice the length of the average adult sea otter contained therein and that the pool shall not be less than 0.91 meters (3.0 feet) deep. The Department proposed to amend these provisions to provide that the MHD of the pool of water for sea otters shall be at least four times the average adult length of the sea otter and that the pool shall not be less than 1.22 meters (4.0 feet) deep. Two commenters recommended that the MHD be changed to three times the average adult length of the sea otter and that the pool be not less than .91 meters (3.0 feet) deep. The proposed MHD and the proposed depth of the pool were in error and were intended to be the same as those recommended by the commenters. The commenters' recommended changes are included in the final rule. Based on observation, it has been determined that this will allow sufficient space to make postural and social adjustments with adequate freedom of movement.

The minimum dry resting area for sea otters is based on their average adult length. Prior to the effective date of this document, the regulations in § 3.104(f)(3) provided that "when the enclosure is to contain more than two sea otters, the dry resting area for each additional animal shall be computed by multiplying one-half of the square of the sea otter's average adult length by 3.14." It was proposed that this provision be amended to require that "when the enclosure is to contain more than two sea otters, the dry resting area for each additional animal shall be computed by multiplying one-half of the sea otter's average adult length by 3.14." One commenter opposed any reduction in DRA for sea otters, based on the assertion that the current DRA is not excessively large. No changes are made based on this comment. Based on observations over the past few years, it appears that the previously required DRA was excessively large and that the proposed DRA would be adequate. Further, it should be noted that sea otters spend 90 percent or more of their time in the water.

Variations

Proposed § 3.100 set forth provisions for the granting of variances. Proposed paragraph (b) of that section set forth application procedures for certain variances. Proposed paragraph (g) contained provisions concerning variances for research facilities as follows:

(g) A research facility may be granted a variance from specified requirements of this Subpart when such variance is necessary for research purposes and is fully explained in the experimental design. Any time limitation

stated in this section shall not be applicable in such case.

One commenter questioned whether the application procedures in paragraph (b) were applicable to research facilities. Under the provisions of § 3.100 (b) and (g) the application procedures are applicable to research facilities.

Proposed § 3.100(b) stated that an application for a variance, among other things, must specify "[t]he age and health status of the animals involved," and "[t]he specific reasons why a variance would be in the best interest of the marine mammals involved."

Two commenters suggested that the application include information from the attending veterinarian concerning the health status of the animals involved, and whether the granting of the variance requested would be detrimental to the animals involved. The Department agrees that obtaining this information from the attending veterinarian would be helpful for determining whether a variance should be granted. Therefore, the provisions in § 3.100(b) are amended accordingly.

One commenter suggested that the proposed requirement concerning age and health status be amended to read "age and health status of the animals involved, if known." This suggestion was based on the assertion that the ages of marine mammals rarely are known and the assertion that health status ordinarily is determined from clinical criteria and therefore relative. The Department agrees that the exact age of a marine mammal may not be known and that the health status is relative and a matter of opinion. However, it is necessary that this information be submitted and that it be as accurate as possible in order to help the Department to make a determination concerning a variance. As noted above, the final rule provides that the application include a statement from the attending veterinarian concerning the health status of the animals involved. It appears that the attending veterinarian would also be best able to determine the age of the animals involved. Therefore, the final rule is changed accordingly.

Proposed § 3.100(b) also stated that an application for a variance, among other things, must include information concerning "[t]he specific reasons why a variance would be in the best interest of the marine mammals involved." One commenter suggested that this be changed to ask for reasons why the facility cannot comply based on the assertion that, with the possible exception of old and infirm animals, any variance would not be "in the best interest of the marine mammals

involved." It was intended that the response to this request for information in the application would provide specific reasons in support of granting the variance. Therefore, § 3.100(b) of the final rule is rewritten to request "Specific reasons why a variance is requested."

Another commenter suggested that a new entry should be added to the application provisions, requesting "such other information as the Deputy Administrator may require." No changes are made based on this comment. It does not appear that it is necessary to request any information for the application other than that included in the final rule.

With respect to consideration of an application for a variance, proposed § 3.100(c) provided:

(c) After receipt of an application for a variance, the Deputy Administrator may require the submission in writing of a recommendation by two experts recommended by the American Association of Zoological Parks and Aquariums and approved by the Deputy Administrator concerning whether and for how long the marine mammals involved could be housed in the facility in question without causing a situation detrimental to the health and well-being of such marine mammals. Such a recommendation will be required only in those cases when the Deputy Administrator determines that such expertise is necessary to determine whether the granting of a variance would cause a situation detrimental to the health and well-being of the marine mammals involved. The cost of such recommendation is to be paid by the applicant.

One commenter asserted that the AAZPA constitutes an industry group and further asserted that getting all the advice from the industry is highly questionable. The commenter also recommended that one of the two experts should be selected by the environmental and humane groups who make up the Monitor consortium and who jointly possess a wide expertise. No changes are made based on this comment. The AAZPA is an association with a wide range of membership including highly competent professionals from industry, academia, and government. Also, the AAZPA has access to a broad spectrum of expertise regarding marine mammals. The recommendation of experts by the AAZPA would not preclude the use of experts from the Monitor consortium. Further, it should be noted that the experts must be approved by the Deputy Administrator.

Another commenter suggested that proposed § 3.100(c) be modified to allow the Deputy Administrator the necessary

latitude to get expert advice on the potential adverse impacts of such maintenance from as many and whichever experts the Deputy Administrator deems necessary. No changes are made based on this comment. The regulations would not prevent the Deputy Administrator from seeking advice as he deems necessary.

As noted above, proposed § 3.100(c) provided that the recommendations of experts would concern "whether and for how long the marine mammals involved could be housed in the facility in question without causing a situation detrimental to the health and well-being of such marine mammals." One commenter suggested that this language should be reworded so that the recommendation would concern, "potential adverse impacts on the animals involved or on other matters relating to the effects of the requested variance on the health and well-being of the animals involved." The Department accepts this suggestion as more accurately stating the intended purpose of the experts' recommendation. The final rule reflects this change.

With respect to the length of time for which variances may be granted, proposed § 3.100 (d) and (f) provided:

(d) Variances granted for facilities because of ill or infirm marine mammals that cannot be moved without placing their well-being in jeopardy or for facilities within 0.3048 meters (1 foot) of compliance with any space requirement may be granted for up to the life of the marine mammals involved. Otherwise, variances shall be granted for a period not exceeding September 20, 1985. *Provided, however,* That under circumstances deemed justified by the Deputy Administrator, a maximum extension of 1 year may be granted to attain full compliance. A written request for the extension must be received by the Deputy Administrator by July 20, 1985. Consideration for extension by the Deputy Administrator will be limited to unforeseen or unusual situations such as when necessary public funds cannot be allocated in an appropriate time frame for a facility to attain full compliance by September 20, 1985.

(f) Any facility housing marine mammals that does not meet all of the space requirements as of September 20, 1983, must meet all of the requirements by November 20, 1983, or may operate without meeting such requirements until action is taken on an application for a variance if the application is submitted to the Deputy Administrator on or before November 20, 1983.

One commenter suggested that the date of September 20, 1985, in § 3.100(d) be changed to March 31, 1986, in order to allow additional time to build facilities. It was intended that variances, other than those granted for up to the life of the marine mammals involved, expire two years after the effective date of the final rule. Therefore, the final rule

provides that such variances shall be granted for a period not exceeding July 30, 1986.

Another commenter suggested that the proposed variance period be for three years, rather than two as was intended, based on the assertion that institutions may require several years to meet the requirements. The final rule provides, as proposed, that under circumstances deemed justified by the Deputy Administrator, a maximum extension of one year may be granted to attain full compliance. Consideration for the one-year extension is limited to unforeseen or unusual situations such as when necessary public funds cannot be allocated in an appropriate time frame for a facility to attain full compliance. If an extension were granted the variance period would be for up to three years. It does not appear necessary to allow a three-year variance period except under these circumstances.

Another commenter asserted that any extension of the variance deadline or the allowance of a variance for ill or infirm marine mammals would not be fair to those persons who already comply with the regulations without a variance. No changes are made based on this comment. Although the granting of variances may not seem fair to some persons, the variance system in the final rule is necessary in order to avoid situations detrimental to the health and well-being of the marine mammals affected by the regulations.

It was also intended that § 3.100(f) provide that any facility housing marine mammals that does not meet all of the space requirements by the effective date of the final rule, must meet all of the requirements within 60 days after the effective date of the final rule, or may operate without meeting such requirements until action is taken on an application for a variance if the application is submitted to the Deputy Administrator on or before 60 days after the effective date of the final rule. Section 3.100(f) is changed to reflect this intent.

Miscellaneous

Section 3.101(a) sets forth construction requirements for facilities housing marine mammals. Prior to the effective date of this document, § 3.101(a)(3) provided that:

Any primary enclosure pool, including ramps for entering or leaving the pool, shall be constructed of materials having a nonporous, waterproof finish, which shall facilitate proper cleaning and disinfection, and which shall be maintained in good repair as part of a regular ongoing maintenance program.

The Department proposed to delete "having a nonporous, waterproof finish." However, the Department did not propose to delete the requirement that the primary enclosure pool, including ramps for entering or leaving the pool, be constructed of materials which facilitate proper cleaning and disinfection and it is necessary to retain these provisions. It appears that only ramps and haulout areas and natural sea water pools subject to tidal action could have other than a nonporous, waterproof finish and still be adequately cleaned and disinfected. Ramps and haulout areas are customarily constructed of materials that can be readily cleaned and disinfected, or feasibly replaced. Further, tidal action naturally would have a cleaning and disinfecting effect on natural seawater pools. However, it appears that pools not subject to tidal action must be constructed of materials having a nonporous, waterproof finish in order to facilitate proper cleaning and disinfection. Therefore, the provisions of § 3.101(a)(3) are clarified to provide that any primary enclosure pool, except for a natural seawater pool subject to tidal action, must be constructed of materials having a nonporous, waterproof finish.

Prior to the effective date of this document, § 3.116(a) provided that:

An employee or attendant of the shipper or receiver of cetaceans or sirenians being transported, in commerce, knowledgeable in the area of marine mammal care, shall accompany cetaceans, sirenians, and sea otters during periods of transportation to provide for their good health and well-being, to observe such marine mammals and to determine whether they need veterinary care and to obtain any needed veterinary care as soon as possible.

The Department proposed to extend these provisions to pinnipeds. Seven commenters supported the proposed requirement that pinnipeds be accompanied during transportation, based on the record of 15 cases of pinniped mortalities during transit in 1983, and based on the assertion that such an employee or attendant would be able to provide for the health and well-being of the animal by taking a variety of steps that do not require the presence of a veterinarian. Two commenters objected to this proposed requirement. In support of their objections, it was asserted: (1) That such a requirement would be a financial burden; (2) that there is no evidence that the presence of an attendant would reduce mortality; (3) that an individual accompanying a pinniped shipment by commercial air transport would not be allowed to travel in the same compartment and would,

therefore, be unable to determine any need for immediate veterinary care; and (4) that most pinnipeds can be shipped by air in a manner similar to the shipment of many land mammals with no extraordinary complications during shipment. No changes are made based on these comments. The physiology and anatomy of pinnipeds is different from that of most land animals and these animals require special conditions for shipment. Even though it could increase the cost of transporting pinnipeds, an employee or attendant of the shipper or receiver of pinnipeds being transported, in commerce, who is knowledgeable in the area of marine mammal care, should accompany pinnipeds during periods of transportation. This is necessary to provide for their good health and well-being, to observe such marine mammals in order to determine whether they need veterinary care, and to obtain any needed veterinary care as soon as possible. Even though in some instances an individual accompanying a pinniped shipment by air would not be allowed to travel in the same compartment, that individual would be available in the event of delays or unusual circumstances to bring the plight of the animal to the attention of appropriate officials and arrange for any necessary care as soon as possible.

With respect to polar bears, the regulations (§ 3.116(d)) specify that they need not be accompanied by an employee or attendant of the shipper or receiver, unless the period of transportation will exceed 24 hours in duration. No changes were proposed. Four commenters suggested that polar bears also be required to be accompanied by an employee or attendant during transportation even for short periods of time. These comments were based on the assertion that the same rationale for requiring that other marine mammals be accompanied is equally applicable to polar bears. No changes are made based on these comments. The Department disagrees with the assertion that the rationale for requiring that other marine mammals be accompanied by an employee or attendant is equally applicable to polar bears. The requirements that certain marine mammals be accompanied by such an employee or attendant were designed to help prevent heat build-up in the marine mammals. Polar bears are better able to tolerate heat and regulate heat loss over short periods of time than are other marine mammals.

One commenter suggested that the regulations should require that a veterinarian accompany marine mammals on long or complicated flights.

No changes are made based on this comment. The major concern for these animals during transportation is heat build-up. Non-veterinarians can provide care to avoid excess heat build-up.

Prior to the effective date of this document, § 3.116(b) required, among other things, that:

An employee or attendant of the shipper or receiver of cetaceans or sirenians being transported, in commerce, shall provide for such cetaceans and sirenians during periods of transport by (1) keeping the skin moist with intermittent spraying of water or protecting it by applying a nontoxic emollient, such as lanolin, to prevent drying of the skin. * * *

The Department proposed to amend these provisions to indicate that these methods are examples of ways to keep the skin moist, but that employees or attendants would not be limited to these methods. One commenter supported the proposal to provide latitude in selection of methods for keeping the skin moist and recommended that language be included to caution that the use of petroleum jelly or other products may have the effect of sealing the skin, preventing cutaneous evaporative cooling, and exacerbating overheating problems. No changes are made based on this comment. The Department recognizes that marine mammals are subject to overheating and that their skin is subject to drying. However, it does not appear necessary to include the suggested caution in the final rule. The person accompanying the animal is required to be knowledgeable in marine mammal care and should be aware of the effects of the use of emollients and able to exercise discretion in their use.

Section 3.117 contains provisions for holding areas for marine mammals in terminal facilities. Prior to the effective date of this document, this section, among other things, provided that:

The air temperature around any marine mammal in any animal holding area shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time: *Provided, however,* That no marine mammal shall be subjected to surrounding air temperatures which exceed 23.9° C. (75° F.) for more than 4 hours at any time.

The requirements that such air temperature not be allowed to exceed 29.5° C. (85° F.) at any time, and that such air temperatures not be allowed to exceed 23.9° C. (75° F.) for more than 4 hours at any time were designed to prevent the animals from becoming overheated. The Department proposed to retain these provisions for polar bears since they would not necessarily be accompanied by an employee or attendant but to delete them for all other marine mammals. Two commenters

opposed the proposed change. In this connection, it was asserted that the change could allow heat build-up for animals with heavy fat layers regardless of whether they are kept moist. No changes are made based on these comments. Regardless of the surrounding air temperature, the employee or attendant can take action to facilitate heat loss. It appears that air temperatures in certain terminal facilities at times may exceed 29.5° C. (85° F.). However, it appears that compliance with the current provisions which require that the skin of cetaceans, sirenians, and sea otters be kept moist during periods of transport (see § 3.116 (b) and (c)), and that marine mammals not be held in a terminal facility for more than 6 hours (see § 3.112(a)) would be sufficient in most cases to prevent excess heat buildup in these animals on those occasions when higher temperatures may occur in terminal facilities. Further, when necessary, the employee or attendant can help facilitate heat loss by such methods as increasing ventilation, icing the flippers, or covering the pinnipeds with damp towels.

One comment suggested that it would be advisable to express maximum and minimum allowable temperatures in terminal facilities in terms of "humiture" rather than temperature alone, based on the assertion that humidity can make a marginally acceptable situation totally unacceptable with regard to temperature. No changes are made based on this comment. Currently, insufficient information is available to establish criteria for marine mammals based on "humiture."

This document also makes certain nonsubstantive changes for purposes of clarity.

Paperwork Reduction Act

In accordance with section 3504(h) of the Paperwork Reduction Act of 1980, (44 U.S.C. 3504(h)), the information collection provisions that are included in this rule have been approved by the Office of Management and Budget (OMB) and have been given the control number 0579-0036.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries,

Federal, State, or local government agencies, or geographic regions; and will not cause adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Alternatives were considered with respect to this rule.

Consideration was given whether to change space requirements as explained in the proposed rule and this document. The changes made in the space requirements are made because it appears that such changes would be the minimum space requirements that would generally allow affected animals sufficient space, both horizontally and vertically, so that they would be able to make normal postural and social adjustments with adequate freedom of movement.

Consideration was given concerning whether to propose to eliminate provisions for variances or to propose to allow variances under conditions explained in the proposed rule and this document. Further, consideration was given as to the length of time that should be allowed for variances. The final rule allows variances for up to the life of the animals involved if the animals are so old, ill, or infirm that they could not be moved without placing their well-being in jeopardy, and for facilities within 0.3048 meters (1 foot) of compliance with any space requirement. It appears that if a facility houses animals that are so old, ill, or infirm that they could not be moved without placing their well-being in jeopardy, the facility must be granted a variance for those animals in order to accomplish the purposes of the Act. Further, in some cases it would appear unreasonable to require renovations if the facilities were within 0.3048 meters (1 foot) of compliance. However, if a facility is more than 0.3048 meters (1 foot) from being in compliance and it is not out of compliance because of such old, ill, or infirm animals, it appears that it is necessary to require that adjustments be made within a reasonable amount of time.

Consideration was also given concerning whether a pinniped being transported in commerce should be required to be accompanied by an employee or attendant of the shipper or receiver. The final rule establishes such a requirement. This appears to be necessary in order that persons are available to observe whether the pinnipeds need veterinary care, and to obtain any needed veterinary care as soon as possible.

It is not anticipated that the adoption of these changes will have a significant impact. Many of the changes will lessen restrictions. Further, it appears that few facilities will have to make changes because of the final rule. Also, the adoption of the proposal to require pinnipeds to be accompanied by an employee or attendant of the shipper or receiver during transportation in commerce will not cause a significant impact because this is already a general industry practice.

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

List of Subjects in 9 CFR Part 3

Animal welfare, Marine mammals, Humane animal handling.

PART 3—STANDARDS

Subpart E—Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals

Accordingly, Subpart E of 9 CFR Part 3 is amended as follows:

1. Section 3.100 is revised to read as follows:

§ 3.100 Special considerations regarding compliance and/or variance.

(a) All persons subject to the Animal Welfare Act who maintain or otherwise handle marine mammals in captivity must comply with the provisions of this subpart, except that they may apply for and be granted a variance,¹ by the Deputy Administrator, from one or more specified provisions of § 3.104. The provisions of this Subpart shall not apply, however, in emergency circumstances where compliance with one or more requirements would not serve the best interest of the marine mammals concerned.

(b) An application for a variance must be made to the Deputy Administrator in writing. The request must include:

(1) The species and number of animals involved,

(2) A statement from the attending veterinarian concerning the age and health status of the animals involved, and concerning whether the granting of a variance would be detrimental to the marine mammals involved,

(3) Each provision of the regulations that is not met,

¹ Written permission from the Deputy Administrator to operate as a licensee or registrant under the Act without being in full compliance with one or more specified provisions of § 3.104.

(4) The time period requested for a variance,

(5) The specific reasons why a variance is requested, and

(6) The estimated cost of coming into compliance, if construction is involved.

(c) After receipt of an application for a variance, the Deputy Administrator may require the submission in writing of a report by two experts recommended by the American Association of Zoological Parks and Aquariums and approved by the Deputy Administrator concerning potential adverse impacts on the animals involved or on other matters relating to the effects of the requested variance on the health and well-being of such marine mammals. Such a report will be required only in those cases when the Deputy Administrator determines that such expertise is necessary to determine whether the granting of a variance would cause a situation detrimental to the health and well-being of the marine mammals involved. The cost of such report is to be paid by the applicant.

(d) Variances granted for facilities because of ill or infirm marine mammals that cannot be moved without placing their well-being in jeopardy, or for facilities within 0.3048 meters (1 foot) of compliance with any space requirement may be granted for up to the life of the marine mammals involved. Otherwise, variances shall be granted for a period not exceeding July 30, 1986, *Provided, however,* That under circumstances deemed justified by the Deputy Administrator, a maximum extension of 1 year may be granted to attain full compliance. A written request for the extension must be received by the Deputy Administrator by May 30, 1986. Consideration for extension by the Deputy Administrator will be limited to unforeseen or unusual situations such as when necessary public funds cannot be allocated in an appropriate time frame for a facility to attain full compliance by July 30, 1986.

(e) The Deputy Administrator shall deny any application for a variance if he determines that it is not justified under the circumstances or that allowing it will be detrimental to the health and well-being of the marine mammals involved.

(f) Any facility housing marine mammals that does not meet all of the space requirements as of July 30, 1984, must meet all of the requirements by September 28, 1984, or may operate without meeting such requirements until action is taken on an application for a variance if the application is submitted to the Deputy Administrator on or before September 28, 1984.

(g) A research facility may be granted a variance from specified requirements of this Subpart when such variance is necessary for research purposes and is fully explained in the experimental design. Any time limitation stated in the section shall not be applicable in such case.

2. Sections 3.101(a) (3) and (4) are revised to read as follows:

§ 3.101 Facilities, general.

(a) * * *

(3) Any primary enclosure pool, except for natural seawater pools subject to tidal action, shall be constructed of materials having a nonporous, waterproof finish, which facilitate proper cleaning and disinfection, and shall be maintained in good repair as part of a regular ongoing maintenance program. Any ramps or haul-out areas for primary enclosure pools, and any natural seawater pools subject to tidal action, shall be constructed of materials which facilitates proper cleaning and disinfection and shall be maintained in good repair as part of a regular ongoing maintenance program.

(4) Facilities which utilize natural water areas, such as tidal basins, bays, or estuaries (subject to natural tidewater action) used for housing marine mammals shall be exempt from the drainage requirements of paragraph (c)(1) of this section, but they must meet the minimum standards with regard to space, depth, and sanitation. The water must be monitored for coliforms and for pH and chemical content, if chemicals are added.

* * * * *

3. The introductory text in § 3.104(b) and § 3.104 (b)(1), (b)(2), (b)(3)(i), and (b)(3)(ii), (c), and (d) is revised to read as follows:

§ 3.104 Space requirements.

* * * * *

(b) *Cetaceans*. Primary enclosures housing cetaceans shall contain a pool of water and may consist entirely of a pool of water. In determining the minimum space required in a pool holding cetaceans, four factors must be satisfied. These are MHD, depth, volume, and surface area. For the purposes of this Subpart, cetaceans are divided into Group I cetaceans and Group II cetaceans as shown in Table III in this section.

(1)(i) *The required minimum horizontal dimension (MHD) of a pool for Group I cetaceans shall be 7.32 meters (24.0 feet) or two times the average adult length of the longest species of Group I cetacean housed therein (as measured in a parallel or horizontal line, from the tip of its upper jaw, or from the most anterior portion of the head in bulbous headed animals, to the notch in the tail fluke²), whichever is greater; except that such MHD measurement may be reduced from the*

²The body length of a *Monodon monoceros* (narwhale) is measured from the tip of the upper incisor tooth to the notch in the tail fluke. If the upper incisor is absent or does not extend beyond the front of the head, then it is measured like other cetaceans, from the tip of the upper jaw to the notch in the tail fluke. Immature males should be anticipated to develop the "tusk" (usually left incisor tooth) beginning at sexual maturity.

greater number by up to 20 percent if the amount of the reduction is added to the MHD at the 90-degree angle and if the minimum volume and surface area requirements are met based on an MHD of 7.32 meters (24.0 feet) or two times the average adult length of the longest species of Group I cetacean housed therein, whichever is greater.

(ii) The MHD of a pool for Group II cetaceans shall be 7.32 meters (24.0 feet) or four times the average adult length of the longest species of cetacean to be housed therein (as measured in a parallel or horizontal line from the tip of its upper jaw, or from the most anterior portion of the head in bulbous headed animals, to the notch in the tail fluke), whichever is greater; except that such MHD measurement may be reduced from the greater number by up to 20 percent if the amount of the reduction is added to the MHD at the 90-degree angle and if the minimum volume and surface area requirements are met based on an MHD of 7.32 meters (24.0 feet) or four times the average adult length of the longest species of Group II cetacean housed therein, whichever is greater.

(iii) In a pool housing a mixture of Group I and Group II cetaceans, the MHD shall be the largest required for any cetacean housed therein.

(iv) Once the required MHD has been satisfied, the pool size may be required to be adjusted to increase the surface area and volume when cetaceans are added. Examples of MHD and volume requirements for Group I cetaceans are shown in Table I, and for Group II cetaceans in Table II.

TABLE I.¹—GROUP I CETACEANS

Representative average adult lengths		Minimum horizontal dimension (MHD)		Minimum required depth		Volume of water required for each additional cetacean in excess of two	
Meters	Feet	Meters	Feet	Meters	Feet	Cubic meters	feet
1.68	5.5	7.32	24	1.83	6	8.11	284.95
2.29	7.5	7.32	24	1.83	6	15.07	529.87
2.74	9.0	7.32	24	1.83	6	21.57	763.02
3.05	10.0	7.32	24	1.83	6	26.73	942.00
3.51	11.5	7.32	24	1.83	6	35.40	1,245.79
3.66	12.0	7.32	24	1.83	6	38.49	1,356.48
4.27	14.0	8.53	28	2.13	7	60.97	2,154.04
5.49	18.0	10.97	36	2.74	9	129.65	4,578.12
5.64	18.5	11.28	37	2.82	9.25	140.83	4,970.33
5.79	19.0	11.58	38	2.90	9.50	152.64	5,384.32
6.71	22.0	13.41	44	3.36	11	237.50	8,358.68
6.86	22.5	13.72	45	3.43	11.25	253.42	8,941.64
7.32	24.0	14.63	48	3.66	12	307.89	10,851.84
8.53	28.0	17.07	56	4.27	14	487.78	17,232.32

¹ All calculations are rounded off to the nearest hundredth. In converting the length of cetaceans from feet to meters, 1 foot equals .3048 meter. Due to rounding of meter figures as to the length of the cetacean, the correlation of meters to feet in subsequent calculations of MHD and additional volume of water required per cetacean, over two, may vary slightly from a strict feet to meters ratio. Cubic meters is based on: 1 cubic foot=0.0283 cubic meter.

TABLE II.—GROUP II CETACEANS

Representative average adult length.		Minimum horizontal dimension (MHD)		Minimum required depth		Volume of water required for each additional cetacean in excess of four	
Meters	Feet	Meters	Feet	Meters	Feet	Cubic meters ¹	Cubic feet
1.52	5.0	7.32	24	1.83	6	13.28	471.00
1.88	5.5	7.32	24	1.83	6	16.22	569.91
1.83	6.0	7.32	24	1.83	6	19.24	678.24
2.13	7.0	8.53	28	1.83	6	26.07	923.16
2.29	7.5	9.14	30	1.83	6	30.13	1,059.75
2.44	8.0	9.75	32	1.83	6	34.21	1,205.76
2.59	8.5	10.36	34	1.83	6	38.55	1,361.19
2.74	9.0	10.97	36	1.83	6	43.14	1,526.04

¹ Converting cubic feet to cubic meters is based on: 1 cubic foot = 0.0283 of a cubic meter.

TABLE III.—AVERAGE ADULT LENGTHS OF MARINE MAMMALS MAINTAINED IN CAPTIVITY ¹

Species	Common name	Average adult length	
		In meters	In feet
Group I Cetaceans:			
<i>Balaenoptera acutorostrata</i>	Minke whale	8.50	27.9
<i>Cephalorhynchus commersonii</i>	Commerson's dolphin	1.52	5.0
<i>Delphinapterus leucas</i>	Beluga whale	4.27	14.0
<i>Monodon monoceros</i>	Narwhale	3.96	13.0
<i>Globicephala melana</i>	Long-finned pilot whale	5.79	19.0
<i>Globicephala macrorhynchus</i>	Short-finned pilot whale	5.49	18.0
<i>Grampus griseus</i>	Risso's dolphin	3.66	12.0
<i>Orcinus orca</i>	Killer whale	7.32	24.0
<i>Pseudorca carassidens</i>	False killer whale	4.35	14.3
<i>Tursiops truncatus</i> (Atlantic)	Bottlenose dolphin	2.74	9.0
<i>Tursiops truncatus</i> (Pacific)	Bottlenose dolphin	3.05	10.0
<i>Inia geoffrensis</i>	Amazon porpoise	2.44	8.0
<i>Phocoena phocoena</i>	Harbor porpoise	1.68	5.5
<i>Pontoporia blainvilliei</i>	Franciscana	1.52	5.0
<i>Sotalia fluviatilis</i>	Tucuxi	1.68	5.5
<i>Platanista</i> , all species	River dolphin	2.44	8.0
Group II Cetaceans:			
<i>Delphinus delphis</i>	Common dolphin	2.59	8.5
<i>Feresa attenuata</i>	Pygmy killer whale	2.44	8.0
<i>Kogia breviceps</i>	Pygmy sperm whale	3.96	13.0
<i>Kogia simus</i>	Dwarf sperm whale	2.90	9.5
<i>Lagenorhynchus acutus</i>	Atlantic white-sided dolphin	2.90	9.5
<i>Lagenorhynchus cruciger</i>	Hourglass dolphin	1.70	5.6
<i>Lagenorhynchus obliquidens</i>	Pacific white-sided dolphin	2.29	7.5
<i>Lagenorhynchus albirostris</i>	White-beaked dolphin	2.74	9.0
<i>Lagenorhynchus obscurus</i>	Duskey dolphin	2.13	7.0
<i>Lissodelphis borealis</i>	Northern right whale dolphin	2.74	9.0
<i>Neophocaena phocaenoides</i>	Finless porpoise	1.83	6.0
<i>Papionocephala electra</i>	Melon-headed whale	2.74	9.0
<i>Phocoenoides dalli</i>	Dall's porpoise	2.00	6.5
<i>Stenella longirostris</i>	Spinner dolphin	2.13	7.0
<i>Stenella coeruleoalba</i>	Striped dolphin	2.29	7.5
<i>Stenella attenuata</i>	Spotted dolphin	2.29	7.5
<i>Stenella plagiodon</i>	Spotted dolphin	2.29	7.5
<i>Steno bredanensis</i>	Rough-toothed dolphin	2.44	8.0

¹ This table contains the species of marine mammals known by the Department to be presently in captivity or that are likely to become captive in the future. Anyone who is subject to the Animal Welfare Act having species of marine mammals in captivity which are not included in this table should consult the Deputy Administrator with regard to the average adult length of such animals.

Species	Common name	Average adult length			
		In meters		In feet	
		Male	Female	Male	Female
Group I Pinnipeds:					
<i>Arctocephalus gazella</i> **	Antarctic Fur Seal	1.80	1.20	5.9	3.9
<i>Arctocephalus tropicalis</i> **	Amsterdam Island Fur Seal	1.80	1.45	5.9	4.75
<i>Arctocephalus australis</i> **	South American Fur Seal	1.88	1.42	6.2	4.7
<i>Arctocephalus pusillus</i> **	Cape Fur Seal	2.73	1.83	8.96	6.0
<i>Callorhinus ursinus</i> **	Northern Fur Seal	2.20	1.45	7.2	4.75
<i>Eumetopias jubatus</i> **	Steller's Sea Lion	2.86	2.40	9.4	7.9
<i>Hydrurga leptonyx</i>	Leopard Seal	2.90	3.30	9.5	10.8
<i>Mirounga angustirostris</i> **	Northern Elephant Seal	3.96	2.49	13.0	8.2
<i>Mirounga leonina</i> **	Southern Elephant Seal	4.67	2.50	15.3	8.2
<i>Odoboncus rosmarus</i> **	Walrus	3.15	2.60	10.3	8.5
<i>Otaria flavescens</i> **	South American Sea Lion	2.40	2.00	7.9	6.6
<i>Phoca caspica</i>	Caspian Seal	1.45	1.40	4.75	4.6
<i>Phoca fasciata</i>	Ribbon Seal	1.75	1.68	5.7	5.5
<i>Phoca largi</i>	Harbor Seal	1.70	1.50	5.6	4.9
<i>Phoca vitulina</i>	Habor Seal	1.70	1.50	5.6	4.9
<i>Zalophus californianus</i>	California Sea Lion	2.24	1.75	7.3	5.7
<i>Halichoerus grypus</i> **	Grar Seal	2.30	1.95	7.5	6.4
<i>Phoca sibirica</i>	Baikal Seal	1.70	1.85	5.6	6.1
<i>Phoca groenlandica</i>	Harp Seal	1.85	1.85	6.1	6.1
<i>Leptonychotes weddelli</i> **	Weddell Seal	2.90	3.15	9.5	10.3

Species	Common name	Average adult length			
		In meters		In feet	
		Male	Female	Male	Female
<i>Lobodon carcinophagus</i> **	Crabeater Seal	2.21	2.21	7.3	7.3
<i>Ommatophoca rossi</i> **	Ross Seal	1.99	2.13	6.5	7.0
Group II Pinnipeds:					
<i>Erignathus barbatus</i>	Bearded Seal	2.33	2.33	7.6	7.6
<i>Phoca hispida</i>	Ringed Seal	1.35	1.30	4.4	4.3
<i>Cystophora cristata</i>	Hooded Seal	2.60	2.00	8.5	6.6

NOTE.—** Any Group I animals maintained together will be considered as Group II when the animals maintained together include two or more sexually mature males from species marked with a double asterisk (**) regardless of whether the sexually mature males from the same species.

Species	Common name	Average adult length	
		In meters	In feet
Sirenia:			
<i>Dugong dugong</i>	Dugong	3.35	11.0
<i>Trichechus manatus</i>	West Indian Manatee	3.51	11.5
<i>Trichechus inunguis</i>	Amazon Manatee	2.44	8.0
Mustelidae:			
<i>Enhydra lutris</i>	Sea Otter	1.25	4.1

(2) The minimum depth requirement for primary enclosure pools for all cetaceans shall be one-half the average adult length of the longest species to be housed therein, regardless of Group I or Group II classification, or 1.83 meters (6.0 feet), whichever is greater, and can be expressed as $d=L/2$ or 6 feet, whichever is greater. Those parts of the primary enclosure pool which do not meet the minimum depth requirement cannot be included when calculating space requirements for cetaceans.

- (3) * * *
- (i) The minimum volume of water

$$\text{Volume} = \left(\frac{\text{Average Adult Length}}{2} \right)^2 \times 3.14 \times \text{depth.}$$

See Table I for required volumes.

(ii) The minimum volume of water required for up to four Group II cetaceans is based upon the following formula:

$$\text{Volume} = \left(\frac{\text{MHD}}{2} \right)^2 \times 3.14 \times \text{depth.}$$

When there are more than four Group II cetaceans housed in a primary enclosure pool, the additional volume of water required for each additional Group II cetacean in excess of four is based on the following formula:

$$\text{Volume} = (\text{Average Adult Length})^2 \times 3.14 \times \text{depth}$$

See Table II for required volumes.

* * * * *

required for up to two Group I cetaceans is based upon the following formula:

$$\text{Volume} = \left(\frac{\text{MHD}}{2} \right)^2 \times 3.14 \times \text{depth.}$$

When there are more than two Group I cetaceans housed in a primary enclosure pool, the additional volume of water required for each additional Group I cetacean in excess of two is based on the following formula:

(c) *Sirenians*. Primary enclosures housing sirenians shall contain a pool of water and may consist entirely of a pool of water.

(1) The required MHD of a primary enclosure pool for sirenians shall be two times the average adult length of the longest species of sirenian to be housed therein. Calculations shall be based on the average adult length of such sirenians as measured in a horizontal line from the tip of the muzzle to the notch in the tail fluke of dugongs and from the tip of the muzzle to the most distal point in the rounded tail of the manatee.

(2) The minimum depth requirements for primary enclosure pools for all sirenians shall be one-half the average adult length of the longest species to be housed therein, or 1.52 meters (5.0 feet), whichever is greater. Those parts of the

primary enclosure pool which do not meet the minimum depth requirements cannot be included when calculating space requirements for sirenians.

(3) A pool which satisfies the required MHD and depth shall be adequate for one or two sirenians. Volume and surface area requirements for additional animals shall be calculated using the same formula as for Group I cetaceans, except that the figure for depth requirement for sirenians shall be one-half the average adult length or 1.52 meters (5.0 feet), whichever is greater.

(d) *Pinnipeds*. (1) Primary enclosures housing pinnipeds shall contain a pool of water and a dry resting or social activity area that must be close enough to the surface of the water to allow easy access for entering or leaving the pool. For the purposes of this subpart, pinnipeds have been divided into Group I pinnipeds and Group II pinnipeds as shown in Table III in this section. In certain instances some Group I pinnipeds shall be considered as Group II pinnipeds. (See Table III).

(2) The minimum size of the dry resting or social activity area of the primary enclosure for pinnipeds (exclusive of the pool of water) shall be based on the average adult length of each pinniped contained therein, as measured in a horizontal or extended position in a straight line from the tip of its nose to the tip of its tail. The minimum size of the dry resting or social activity area shall be computed using the following methods:

(i) *Group I pinnipeds*. Square the average adult length of each pinniped to be contained in the primary enclosure. Add the figures obtained for each of the pinnipeds in the primary enclosure to determine the dry resting or social activity area required for such

pinnipeds. If only a single Group I pinniped is maintained in the primary enclosure, the minimum dry resting or social activity area shall be twice the square of the average adult length of that single Group I pinniped. Examples:

(average adult length)² of 1st Group I pinniped + (average adult length)² of 2nd Group I pinniped = Total DRA for two pinnipeds

DRA for one pinniped = 2 × (average adult length of Group I pinniped)²

(ii) *Group II pinnipeds.* List all pinnipeds contained in a primary enclosure by average adult length in descending order from the longest species of pinniped to the shortest species of pinniped. Square the average adult length of each pinniped. Multiply the average adult length squared of the

longest pinniped by 1.5, the second longest by 1.4, the third longest by 1.3, the fourth longest by 1.2, and the fifth longest by 1.1, as indicated in the following example. Square the average adult length of the sixth pinniped and each additional pinniped. Add the figures obtained for all the pinnipeds in the primary enclosure to determine the required minimum dry resting or social activity area required for such pinnipeds. If only a single Group II pinniped is maintained in the primary enclosure, the minimum dry resting or social activity area must be computed for a minimum of two pinnipeds.

Examples: DRA for 1 Group II Pinniped = [(Average adult length)² × 1.5] + [(Average adult length)² × 1.4]

1st pinniped (avg. adult length)² × 1.5 = social and DRA required
2nd pinniped (avg. adult length)² × 1.4 = social and DRA required
3rd pinniped (avg. adult length)² × 1.3 = social and DRA required
4th pinniped (avg. adult length)² × 1.2 = social and DRA required
5th pinniped (avg. adult length)² × 1.1 = social and DRA required
Each pinniped over 5 (avg. adult length)² = social and DRA required

Total minimum social activity and dry resting area required for all pinnipeds housed in a primary enclosure.

If all the pinnipeds in the primary enclosure are of the same species, the same descending order of calculation shall apply. Example: Hooded seal—average adult length of male = 8.5 feet and female = 6.6 feet. In a primary enclosure containing 2 males and 2 females, the social or DRA required would be the sum of [(8.5)² × 1.5] + [(8.5)² × 1.4] + [(6.6)² × 1.3] + [(6.6)² × 1.2].

If two or more sexually mature males are maintained together in a primary enclosure, the dry resting or social activity area shall be divided into two or more separate areas with sufficient visual barriers (such as fences, rocks, or foliage) to provide relief from aggressive animals.

(iii) *Mixture of Group I and Group II pinnipeds.* In a primary enclosure where a mixture of Group I and Group II pinnipeds is to be housed, the dry resting or social activity area shall be calculated as for Group II pinnipeds. The dry resting or social activity area shall be divided into two or more separate areas with sufficient visual barriers (such as fences, rocks, or foliage) to provide relief from aggressive animals.

(3)(i) The minimum surface area of a pool of water for pinnipeds shall be at least equal to the dry resting or social activity area required.

(ii) The MHD of the pool shall be at least one and one-half (1.5) times the average adult length of the largest species of pinniped to be housed in the enclosure; except that such MHD

5. Section 3.104(f) is revised to read as follows:

§ 3.104 Space requirements.

* * * * *

(f) *Sea otters.* (1) Primary enclosures for sea otters shall consist of a pool of water and a dry resting area. The MHD of the pool of water for sea otters shall be at least three times the average adult length of the sea otter contained therein (measured in a horizontal line from the tip of its nose to the tip of its tail) and the pool shall be not less than .91 meters (3.0 feet) deep. When more than two sea otters are housed in the same primary enclosure, additional dry resting area as well as pool volume is required to accommodate the additional sea otters. (See Table V).

(2) The minimum volume of water required for a primary enclosure pool for sea otters shall be based on the sea otter's average adult length. The minimum volume of water required in the pool shall be computed using the following method: Multiply the square of the sea otter's average adult length by 3.14 and then multiply the total by 0.91 meters (3.0 feet). This volume is satisfactory for one or two otters. To calculate the additional volume of water for each additional sea otter above two in a primary enclosure, multiply one-half of the square of the sea otter's average adult length by 3.14, then multiply by 0.91 meters (3.0 feet). (See Table V).

(3) The minimum dry resting area required for one or two sea otters shall be based on the sea otter's average adult length. The minimum dry resting area for one or two sea otters shall be computed using the following method: Square the average adult length of the sea otter and multiply the total by 3.14. When the enclosure is to contain more than two sea otters, the dry resting area for each additional animal shall be computed by multiplying one-half of the sea otter's average adult length by 3.14. Using 1.25 meters or 4.1 feet (the average adult length of a sea otter), the calculations for additional space will result in the following figures:

measurement may be reduced by up to 20 percent if the amount of the reduction is added to the MHD at the 90-degree angle.

(iii) The pool of water shall be at least 0.91 meters (3.0 feet) deep or one-half the average adult length of the longest species of pinniped contained therein, whichever is greater. Parts of the pool that do not meet the minimum depth requirement cannot be used in the calculation of the dry resting and social activity area, or as part of the MHD or required surface area of the pool.

* * * * *

4. The fourth sentence in § 3.104(e) is revised to read as follows:

§ 3.104 Space requirements.

* * * * *

(e) * * * The pool of water shall have an MHD of not less than 2.44 meters (8.0 feet) and a surface area of at least 8.93 square meters (96.0 square feet) with a minimum depth of 1.52 meters (5.0 feet) with the exception of any entry and exit area.

TABLE V.—ADDITIONAL SPACE REQUIRED FOR EACH SEA OTTER WHEN MORE THAN TWO IN A PRIMARY ENCLOSURE

Average adult length of sea otter		Resting area		Pool Volume	
Meters	Feet	Square meters	Square Feet	Cubic meters	Cubic feet
1.25	4.1	1.96	6.44	2.23	79.17

§ 3.116 [Amended]

6. By amending § 3.116(a) by adding "pinnipeds," immediately after "sirens,".

7. By amending § 3.116(b)(1) by removing the words "with intermittent spraying of water or protecting it by applying a nontoxic emollient, such as lanolin, to prevent drying of the skin;" and inserting in lieu thereof "or preventing the drying of the skin by such methods as intermittent spraying of water or application of a nontoxic emollient, such as lanolin;".

8. By amending § 3.116(d) by removing "and pinnipeds" in each of the three places it appears, by removing

"pinnipeds and" and by removing "or pinniped".

9. The sixth sentence in § 3.117 is revised to read as follows:

§ 3.117 Terminal facilities.

* * * The air temperature around any marine mammal in any animal holding area shall not be allowed to fall below 7.2° C. (45° F.). The air temperature around any polar bear shall not be allowed to exceed 29.5° C. (85° F.) at any time and no polar bear shall be subjected to surrounding air temperatures which exceed 23.9° C. (75° F.) for more than 4 hours at any time.

* * *

§ 3.118 [Amended]

10. By removing § 3.118(a)(2) and by redesignating § 3.118(a)(3) as § 3.118(a)(2)

Authority: Secs. 3, 5, 6, 10, 11, 12, 16, 17, 21, 80 Stat. 351, 352, 353, 84 Stat. 1561, 1562, 1563, 1564, 90 Stat. 418, 419, 420, 423; 7 U.S.C. 2133, 2135, 2136, 2140, 2141, 2142, 2143, 2144, 2146, 2147, 2151; 7 CFR 2.17, 2.51, 371.2(d)

Done at Washington, D.C., this 21st day of June, 1984.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-17061 Filed 6-22-84; 1:10 pm]

BILLING CODE 3410-34-M

Federal Register

Thursday
June 28, 1984

Part III

Department of Education

Office of Bilingual Education and
Minority Language Affairs

**Application Notice and Interpretations for
Fiscal Year 1984 Grants to State
Educational Agencies for Emergency
Immigrant Education Assistance; Notice**

DEPARTMENT OF EDUCATION

Office of Bilingual Education and
Minority Languages AffairsGrants to State Educational Agencies
for Emergency Immigrant Education
Assistance; Application and
Interpretations

AGENCY: Department of Education.

ACTION: Application Notice and Interpretations for Fiscal Year 1984 Grants to State Educational Agencies for Emergency Immigrant Education Assistance.

Applications are invited for grants that provide financial assistance for educational services and costs for immigrant children enrolled in elementary and secondary public and nonpublic schools.

The authority for these awards is contained in section 101(g) of the Further Continuing Appropriation for Fiscal Year 1984 (Pub. L. 98-151).

Eligible applicants are State educational agencies (SEAs).

Because the Department has not issued any specific regulations for this program, and because the program is being funded for the first time, the award of grants is governed by the regulations in 34 CFR Part 76 for programs without specific regulations and by the interpretations given in this application notice. Section 76.1(b) provides that if a State-administered program does not have implementing regulations, the Secretary implements the program under the authorizing statute and, to the extent consistent with the authorizing statute, under the General Education Provisions Act and the regulations in Part 76. Therefore, the following govern the award of grants: Title V of H.R. 3520 (made applicable by Section 101(g) of Pub. L. 98-151); the General Education Provisions Act, as amended (20 U.S.C. 1221-1234e); and the Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 76, 77, 78, and 79.

Effective Date: The provisions in this notice will take effect either 45 days after publication in the *Federal Register* or later if Congress takes certain adjournments. If you want to know the effective date of these provisions, call or write the Department of Education contact person.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an applicant SEA must mail or hand deliver its application for a grant by August 10, 1984. In the event that an applicant SEA is unable to mail or hand deliver its application by August 10, 1984, the

applicant SEA must request an extension of time, stating in the request the reason that an extension is necessary. The applicant SEA is advised, however, that any delay in submitting its application may prevent the processing and awarding of its fiscal year 1984 grant.

Applications Delivered by Mail: An applicant SEA that sends its application by mail should address its application to the U.S. Department of Education, Application Control Center, Attention: 84, 162, Washington, D.C. 20202.

An applicant SEA must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an applicant SEA sends its application through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant SEA should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

The Secretary encourages applicants to use registered or at least first class mail. The Secretary notifies a late applicant that its application will not be considered unless that SEA has been granted an extension of the closing date.

Applications Delivered by Hand: An applicant SEA that hand delivers its application must take the application to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

The Application Control Center will not accept an application that is hand delivered after 4:30 p.m. on the closing date—unless that SEA has been granted an extension of the closing date.

Program Information: Application requirements, eligible activities, definitions governing the count of eligible children, and other information on the program may be found in Title V

of H.R. 3520. For an applicant's better understanding of the program, several of the provisions in H.R. 3520 are summarized in the following paragraphs.

I. *Definitions.*

A. *"Immigrant children."* Title V uses the term "immigrant children" to describe children eligible to be counted for emergency immigrant education assistance. Title V defines "immigrant children" as children who were not born in a State and who have been attending schools in any one or more States for less than three complete academic years.

B. *"Immigrant"—Interpretation.* As a matter of interpretation (See 5 U.S.C. 553(b)), the Secretary has determined that the term "immigrant" in Title V only includes persons who are "immigrants" under the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(15). If the term "immigrant" were not interpreted in accordance with the Immigration and Nationality Act, persons could be counted and served contrary to the purpose of the program and Congressional intent, including United States citizens' children who were born abroad, e.g., while their parents were traveling abroad or serving with the armed forces overseas; and the children of persons temporarily residing in the United States, e.g., children of foreign diplomats. Thus, the term "immigrant children" will include only the children of lawful permanent resident aliens, refugees, asylees, parolees, persons of other immigrant status, and immigrant residents in the United States without proper documentation. The term will exclude children of foreign diplomats, United States citizens' children who were born abroad, and children of foreign residents temporarily in the United States for business or pleasure. This is not an exhaustive list of exclusions and only provides examples of the children who are not eligible for assistance under this program. For additional categories of ineligible children, please review the definition of "immigrant" under the Immigration and Nationality Act. A copy of the definition will be included in the application package.

C. *Terms defined in accordance with section 198(a) of the Elementary and Secondary Education Act of 1965.* Title V provides that the following terms used in Title V have the meanings that are given to the terms under Section 198(a) of the Elementary and Secondary Education Act of 1965 (ESEA): "elementary school"; "local educational agency"; "secondary school"; "State"; and "State educational agency." The definitions in ESEA are codified at 34

CFR Part 77 (Definitions That Apply to Department Regulations) of EDGAR.

A copy of 34 CFR Part 77 will be included in the application package.

However, to prevent confusion regarding the counting of immigrant children who were not born in a State, the EDGAR definition of "State" is repeated here. "State," as defined in ESEA and 34 CFR 77.1(c), means any of the 50 States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

D. "Elementary or secondary nonpublic schools." Title V defines the term "elementary or secondary nonpublic schools" to mean schools which comply with the applicable compulsory attendance laws of the State and which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

II. Determining the Number of Eligible Immigrant Children.

A. *Counting immigrant children who have been attending schools for less than three complete academic years.* In counting immigrant children, an SEA must count children who are or were enrolled in schools during the 1983-1984 school year and who were eligible to be counted as "immigrant children" at the time of their enrollment.

B. *Local educational agency enrollment threshold.* In determining the number of immigrant children eligible for assistance under this program, an SEA first must determine the number of immigrant children who are enrolled in elementary and secondary public and nonpublic schools under the jurisdiction of, or within the districts served by, those local educational agencies (LEAs) in which the number of immigrant children who are enrolled in these schools is equal to at least 500 or is equal to at least 5 percent of the total number of students enrolled. An SEA receives funds under this program only for immigrant children in those LEAs that meet this threshold of 500 eligible students enrolled or eligible students totalling 5 percent of the total student enrollment.

III. *Determining the Amount of Award to a State*—Title V provides that in determining the amount of an award to an SEA, the Secretary multiplies by \$500 the number of immigrant children reported by a State who are enrolled in schools in LEAs that meet the enrollment threshold. Thereafter the Secretary makes reductions to SEA grants based on funds made available under other Federal laws as described in section IV below. Then the Secretary

rationally reduces the allocations to the SEAs, to the extent necessary to bring the total amount of awards to the SEAs within the limit of the amount appropriated for the fiscal year.

IV. *Reductions to SEA Grants Based on Funds Made Available Under Other Federal Laws—Interpretation.* Title V provides for a reduction in the amount of a grant to an SEA based on the amounts made available to the SEA for the same fiscal year, under any other Federal law for expenditure within the State and for the same purpose for which this assistance is made available, provided that (1) the funds were made available specifically because of the refugee, parolee, asylee, or other immigrant status of the individuals eligible for assistance, and (2) the funds were made available to provide assistance to individuals eligible for services under this program.

The Secretary has determined that this provision applies to FY 1984 funds made available under the Refugee Act of 1980, as amended (8 U.S.C. 1522), and to FY 1984 funds made available under Section 501(a) of the Refugee Education Assistance Act, as amended (8 U.S.C. 1522 (note)), for services to children who are also included in an SEA's count as eligible for assistance under Title V. Therefore, in addition to reporting the total number of immigrant children in LEAs that meet the enrollment threshold of 500 or 5 percent immigrant enrollment, an SEA must also report the numbers of those children, counted in the State's total, who were also counted as eligible children for FY 1984 assistance under either the Transition Program for Refugee Children (authorized under the Refugee Act of 1980, as amended) or as eligible children for FY 1984 assistance under section 501(a) of the Refugee Education Assistance Act, as amended. The Secretary will then reduce the amount of a State's award by the amount the State receives for these children.

V. State Allocations

A. *State administrative costs.* Title V provides that an SEA may expend up to 1.5 percent of the amount of the award to the State for the proper and efficient administration of its functions under Title V.

B. *Allocations to LEAs.* An SEA distributes the funds not reserved for State administrative costs to the LEAs in the State that met the threshold of 500 or 5 percent enrollment of immigrant children. The SEA distributes the funds on the basis of the number of immigrant children counted by each such LEA, with adjustments to an LEA's award to reflect any reductions made to the State award, based on FY 1984 funds received

under other Federal laws to serve immigrant children, that are attributable to that LEA.

VI. *Eligible Activities.* Title V provides that the following activities may be supported with assistance provided under this program to meet the costs of providing supplementary educational services to immigrant children:

(1) Supplementary educational services necessary to enable those children to achieve a satisfactory level of performance, including the following:

(A) English language instruction.

(B) Other bilingual educational services.

(C) Special materials and supplies.

(2) Additional basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services.

(3) Essential inservice training for personnel who will be providing instruction to immigrant children.

Application Requirements. To receive a grant under this program, Title V provides that an SEA must submit an application that—

(1) Provides that the educational programs, services, and activities made available with this assistance will be administered by or under the supervision of the SEA;

(2) Provides assurances that this assistance will be used to meet the costs of providing the educational services authorized under Title V to immigrant children;

(3) Provides assurance that this assistance will be distributed among LEAs within the State on the basis of the number of immigrant children counted for the LEAs that meet the enrollment threshold of 500 or 5 percent (See Section II, above), with each LEA's award adjusted to reflect any reductions that were made to the SEA's award based on the numbers of children eligible for FY 1984 assistance under other Federal laws, which attributable to that particular LEA;

(4) Provides assurances that the SEA will not finally disapprove in whole or in part any application for funds received from an LEA without first affording the LEA submitting an application for funds reasonable notice and opportunity for a hearing;

(5) Provides for making such reports as the Secretary may reasonably require;

(6) Provides assurances—

(A) That to the extent consistent with the number of immigrant children enrolled in the elementary or secondary nonpublic schools within the district served by an LEA, the LEA, after consultation with appropriate officials of the nonpublic schools, shall provide for the benefit of those children secular, neutral, and nonideological services, materials, and equipment necessary for the education of those children;

(B) That the control of funds provided under this program and the title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer these funds and property; and

(C) That provision of services to immigrant children enrolled in elementary and secondary nonpublic schools shall be provided by employees of a public agency or through contract by that public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of that elementary or secondary nonpublic school and of any religious organization; and any employment or contract shall be under the control and supervision of that public agency, and these funds shall not be commingled with State or local funds.

A copy of Title V of H.R. 3520; the definition of "immigrant" contained in the Immigration and Nationality Act, as amended, and published at 8 U.S.C. 1101(5); applicable definitions from 34 CFR Part 77; and a copy of this notice will be included in the application package to be sent to SEAs.

Intergovernmental Review: On June 24, 1983, the Secretary published in the *Federal Register* final regulations (34 CFR Part 79, published at 48 FR 29158-29168) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for

State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;

- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why not; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects which do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The Emergency Immigrant Education Assistance Program is a new program, and States have not made a determination as to whether it will be included or excluded from review under the State review process. Therefore, immediately upon receipt of this notice, an applicant SEA should contact the appropriate State single point of contact to see if this assistance will be included under its State's review process and to comply with the State's process under Executive Order 12372. A list containing the single point of contact for each State will be included in the application package for this program.

In States that have not established a process, or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by August 24, 1984 to the following address:

The Secretary, U.S. Department of Education, Room 4181 (84.162) 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS APPLICATION. DO NOT SEND

APPLICATIONS TO THE ABOVE ADDRESS.

Available Funds: An amount of \$30 million has been appropriated for FY 1984 for grants for emergency immigrant education assistance under Title V of H.R. 3520. The Secretary estimates that these funds will support 57 State programs. These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: The Office of Bilingual Education and Minority Languages Affairs will mail application forms and instructions to all SEAs. A copy of the application package may be obtained by writing to the Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 421, Reporters Building) Washington, D.C. 20202.

An applicant SEA must prepare and submit its application in accordance with the forms and instructions included in the program information package. However, the program information package is intended only to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations governing this program.

Applicable Regulations: The following regulations are applicable to this program:

The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 76, 77, 78, and 79.

Further Information: For further information, contact Mr. Vidal A. Rivera, Jr., Office of Bilingual Education and Minority Language Affairs, Department of Education, 400 Maryland Avenue, SW., (Room 421, Reporters Building), Washington, D.C. 20202. Telephone (202) 245-2600.

(Sec. 101(g) of Pub. L. 98-151)
(Catalog of Federal Domestic Assistance No. 84.162; Emergency Immigrant Education Assistance)

Dated: June 25, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84-17262 Filed 6-27-84; 8:45 am]

BILLING CODE 4000-01-M

Federal Register

Thursday
June 28, 1984

Part IV

Department of Housing and Urban Development

Office of the Secretary

24 CFR Part 7
Equal Employment Opportunity; Final
Rule and Notices

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 7

[Docket No. R-84-1182; FR-1922]

Equal Employment Opportunity; Policy
and Procedures

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This rule makes technical changes to the Department's regulations on equal employment opportunity by updating (1) the title of the Assistant Secretary for Fair Housing and Equal Opportunity, and (2) the list of HUD officials involved. The rule also permits the Assistant Secretary for Fair Housing and Equal Opportunity in the capacity of Director of Equal Employment Opportunity, to designate the Deputy Director of Equal Employment Opportunity and the Equal Employment Opportunity Officers for the Department.

EFFECTIVE DATE: September 17, 1984.

FOR FURTHER INFORMATION CONTACT: Manuel E. Crawley, Director, Public Employment Division, Office of HUD Program Compliance, Office of Fair Housing and Equal Opportunity, Room 5234, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 755-6415. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department's current regulations in 24 CFR Part 7, Equal Employment Opportunity, are in need of several technical changes. This final rule makes the necessary changes.

Sections 7.2 and 7.4 are amended to remove reference to the Federal Insurance Administrator, who is no longer a member of the HUD administration, and to add to that list of involved officials the Inspector General, the President of the Government National Mortgage Association, and the President of the Solar Energy and Energy Conservation Bank. References to the Field Offices are also corrected.

Section 7.3 is amended to update the title of the Assistant Secretary for Fair Housing and Equal Opportunity and to remove the designations of the Deputy Director of Equal Employment Opportunity and the Department's Equal Employment Opportunity Officers from the Code of Federal Regulations. In this way, the Assistant Secretary for Fair Housing and Equal Opportunity, in the capacity of the Director of Equal

Employment Opportunity, may make and change these designations without initiating a rule change. The Assistant Secretary for Fair Housing and Equal Opportunity, in the capacity of Director of Equal Employment Opportunity, is publishing these designations in a separate document in the Federal Register under his delegated authority.

The subject matter of this rulemaking action relates to Department organization and is therefore exempt from the notice and public requirements of Section 553 of the Administrative Procedure Act.

An environmental assessment, which is made routinely in accordance with HUD regulations in 24 CFR Part 50, pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, is unnecessary because this rule is clearly unrelated to environmental concerns and is considered to have no potential for significantly affecting the quality of the human environment.

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

Under the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because it relates only to internal Departmental matters.

This rule was listed at 49 FR 15953 as item FHEO-3-84 in the Department's Semiannual Agenda of Regulations published on April 19, 1984, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 7

Administrative practice and procedure, Equal employment opportunity, Organization and functions (Government agencies).

PART 7—[AMENDED]

Accordingly, §§ 7.2 through 7.4 of 24 CFR Part 7 are revised to read as follows:

§ 7.2 Definitions.

(a) For the purpose of this subpart, "organizational unit" means the jurisdictional area of the Office of the Secretary, each Assistant Secretary, the General Counsel, the Inspector General, the President of the Government National Mortgage Association, the President of the Solar Energy and Energy Conservation Bank, and each Regional Administrator-Regional Housing Commissioner. For the purpose of this subpart the jurisdictional area of each Regional Administrator-Regional Housing Commissioner includes all HUD Field Offices within the Region.

(b) The term "EEO," as used herein, means Equal Employment Opportunity.

§ 7.3 Designations.

(a) *Director of Equal Employment Opportunity.* The Assistant Secretary for Fair Housing and Equal Opportunity is designated the Director of EEO, except that with respect to complaints naming the Director and/or Deputy Director of EEO as the alleged discriminating official(s) and complaints arising in the Office of the Assistant Secretary for Fair Housing and Equal Opportunity, the Executive Assistant to the Secretary shall be Director of EEO.

(b) *Deputy Director of Equal Employment Opportunity.* The Director of Equal Employment Opportunity shall designate a HUD official to be Deputy Director of Equal Employment Opportunity.

(c) *Equal Employment Opportunity Officers.* The Director of Equal Employment Opportunity shall designate appropriate HUD officials to be Equal Employment Opportunity Officers for their respective organizational units, except that, with respect to the Office of Inspector General, the Inspector General shall be the Equal Employment Opportunity Officer.

(d) *Equal Employment Opportunity Counselors.* Each EEO Officer, with the concurrence of the Director of EEO, shall designate a sufficient number of EEO Counselors for his or her organizational unit.

§ 7.4 Affirmative action programs.

Each Assistant Secretary, the General Counsel, the Inspector General, the President of the Government National Mortgage Association, the President of the Solar Energy and Energy Conservation Bank, the Executive

Assistant to the Secretary, each Regional Administrator-Regional Housing Commissioner and each Field Office Manager shall establish, maintain, and carry out a plan of affirmative action to promote equal opportunity in every aspect of employment policy and practice. Each plan shall be specifically designated to

recognize conditions, situations, and needs of the particular office, community characteristics, and problems of the particularly locality. Each plan is subject to approval by the Director of EEO and shall be developed within the framework of Departmentwide guidelines published by the Director of EEO.

Authority: Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: June 20, 1984.

Samuel R. Pierce, Jr.,
Secretary, Department of Housing and Urban Development.

[FR Doc. 84-17294 Filed 6-27-84; 8:45 am]

BILLING CODE 4210-01-M

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**
**Office of the Assistant Secretary for
Fair Housing and Equal Opportunity**

[Docket No. D-84-765; FR-1786]

**Designations of Deputy Director of
Equal Employment Opportunity and
Equal Employment Opportunity
Officers**

AGENCY: Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Designations.

SUMMARY: The Assistant Secretary for Fair Housing and Equal Opportunity, in the capacity of Director of Equal Employment Opportunity for HUD, is designating the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity to be the Deputy Director of Equal Employment Opportunity. The Assistant Secretary is also updating and correcting the list of HUD Officials designated as Equal Employment Opportunity Officers for the several organizational units of HUD.

EFFECTIVE DATE: June 28, 1984.

FOR FURTHER INFORMATION CONTACT: Manuel E. Crawley, Director, Public Employment Division, Office of HUD Program Compliance, Office of Fair Housing and Equal Opportunity, Room 5234, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-6415 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On August 27, 1970, HUD published in the *Federal Register* (35 FR 13682) a Designation and Delegation of Authority in which the Secretary of Housing and Urban Development, among other things, designated HUD officials to serve as the Deputy Director of Equal Employment Opportunity and as Equal Employment Opportunity Officers for the several organizational units of HUD.

In Section C of that document, the Secretary designated the Deputy Assistant Secretary for Equal Employment Opportunity to be the Deputy Director of Equal Employment Opportunity for HUD. Since the publication of that document, the title of the Assistant Secretary for Equal Opportunity has been changed to Assistant Secretary for Fair Housing and Equal Opportunity, and there is now more than one Deputy Assistant Secretary.

In a separate document published in today's *Federal Register*, the Secretary has delegated to the Assistant Secretary, in the capacity of Director of Equal Employment Opportunity, the

authority to designate the Deputy Director. The Assistant Secretary, pursuant to that authority, is designating the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity to be the Deputy Director of Equal Employment Opportunity.

In section D of the document published on August 27, 1970, the Secretary designated a number of HUD Officials to be the Equal Employment Opportunity Officers for the several organizational units of HUD. Since that publication, HUD has undergone several organizational changes, including the creation of new units and the abolishment of old units, and a number of the HUD officials listed in that designation have had changes in title and/or organizational responsibility. Therefore, the list of HUD officials is being corrected to reflect those changes.

In the separate document published in today's *Federal Register*, the Secretary reasserts the delegation of authority to the Assistant Secretary, in the capacity of Director of Equal Employment Opportunity, to designate HUD officials to be Equal Employment Opportunity Officers.

Accordingly, the Assistant Secretary for Fair Housing and Equal Opportunity, pursuant to his authority as Director of Equal Employment Opportunity for HUD, designates as follows:

Section 1. Designation of Deputy Director of Equal Employment Opportunity. The General Deputy Assistant Secretary for Fair Housing and Equal Opportunity is designated to be the Deputy Director of Equal Employment Opportunity for HUD.

Section 2. Designation of Equal Employment Opportunity Officers. In accordance with regulations of the Equal Employment Opportunity Commission set forth at 29 CFR 1613.204(c):

(a) Each of the HUD officials listed below is designated to be the Equal Employment Opportunity Officer for the organizational unit under his or her jurisdiction:

1. Assistant Secretary for Community Planning and Development
2. General Counsel
3. Assistant Secretary for Housing—Federal Housing Commissioner
4. Assistant Secretary for Public and Indian Housing
5. Inspector General
6. President, Government National Mortgage Association
7. Assistant Secretary for Fair Housing and Equal Opportunity
8. Assistant Secretary for Policy Development and Research
9. Assistant Secretary for

Administration

10. Assistant Secretary for Legislation and Congressional Relations
11. President, Solar Energy and Energy Conservation Bank
12. Assistant Secretary for Public Affairs
13. Each Regional Administrator—Regional Housing Commissioner for his or her Regional Office and all other HUD Field Offices within the Region.

(b) The Executive Assistant to the Secretary is designated to be the Equal Employment Opportunity Officer for all Headquarters organizations not under the jurisdiction of an Equal Employment Opportunity Officer listed in paragraph (a) of this section 2.

3. Section 3. *Supersedeure.* This document supersedes the designation of Deputy Director of Equal Employment Opportunity and the designation of Equal Employment Opportunity Officers contained respectively in sections C and D of the Designation and Delegation of Authority published at 35 FR 13682 on August 27, 1970.

Authority: E. O. 11478, 3 CFR, 1969 Comp., p.133; regulations of the Equal Employment Opportunity Commission, 29 CFR 1613.204; Delegation of Authority from the Secretary of Housing and Urban Development to the Assistant Secretary for Fair Housing and Equal Opportunity—Director of Equal Employment Opportunity published in this day's issue of the *Federal Register*.

Dated: June 22, 1984.

Antonio Monroig,
Assistant Secretary for Fair Housing and
Equal Opportunity—Director of Equal
Employment Opportunity.

[FR Doc. 84-17293 Filed 6-27-84; 8:45 am]

BILLING CODE 4210-28-M

Office of the Secretary

[Docket No. D-84-764; FR-1923]

**Designation of Director of Equal
Employment Opportunity and
Delegations of Authority**

AGENCY: Office of the Secretary, HUD.
ACTION: Designation and delegation of authority.

SUMMARY: The Secretary of Housing and Urban Development is updating the designation of the Director of Equal Employment Opportunity for HUD and is delegating to the Director the authority to designate a HUD official to be Deputy Director and EEO Officers for the Department.

EFFECTIVE DATE: June 28, 1984.

FOR FURTHER INFORMATION CONTACT: Manuel E. Crawley, Director, Public

Employment Division, Office of HUD Program Compliance, Office of Fair Housing and Equal Opportunity, Room 5234, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 755-6415 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On August 27, 1970, HUD published in the Federal Register, at 35 FR 13682, a document entitled "Designation and Delegation of Authority," in which the Secretary designated the Assistant Secretary and Deputy Assistant Secretary for Equal Opportunity, respectively, to be the Director and Deputy Director of Equal Employment Opportunity for HUD. In this document, the Secretary delegated certain authority to the Director and Deputy Director with respect to HUD's equal employment opportunity functions.

Since the publication of the Designation and Delegation of Authority in 1970, the title of the Assistant Secretary for Equal Opportunity has been changed to Assistant Secretary for Fair Housing and Equal Opportunity. Thus, it is necessary to update the designation of the Assistant Secretary to be the Director of Equal Employment Opportunity for HUD. Moreover, there is now more than one Deputy Assistant Secretary for Fair Housing and Equal Opportunity, causing a problem in the designation of the Deputy Director, and the Secretary has decided to delegate to the Director the authority to designate a Deputy Director.

In addition, several technical corrections to the 1970 document are needed. First, the 1970 document refers to "regulations of the Civil Service

Commission", which have been recodified as regulations of the Equal Employment Opportunity Commission. These references are updated in this document. Second, the delegation of authority to the Deputy Director contains an erroneous reference to "the Equal Employment Opportunity Officer", which is corrected in this document.

With the corrections and the additional delegation described above, all of the delegations of authority contained in the 1970 document are republished herein. However, the designation of the Deputy Director (see discussion above) and the designation of Equal Employment Opportunity Officers, contained in Section D of the 1970 document, are not republished in this document; the Assistant Secretary for Fair Housing and Equal Opportunity, in the capacity of Director of Equal Employment Opportunity, is publishing these designations in a separate document in today's Federal Register, pursuant to his delegated authority.

Accordingly, the Secretary of Housing and Urban Development designates and delegates as follows:

Section A. Designation of Director of Equal Employment Opportunity. The Assistant Secretary for Fair Housing and Equal Opportunity is hereby designated to be the Director of Equal Employment Opportunity for HUD, pursuant to the regulations of the Equal Employment Opportunity Commission at 29 CFR 1613.204(c).

Section B. Delegations of Authority.

1. The Director of Equal Employment Opportunity is authorized to:

a. Designate a HUD official to be Deputy Director of Equal Employment

Opportunity for HUD and assign functions to the Deputy Director.

b. Designate HUD officials to be Equal Employment Opportunity Officers and assign functions to such officers.

c. Make changes in programs and procedures designed to eliminate discriminatory practices and improve HUD's program for equal employment opportunity.

2. The Director of Equal Employment Opportunity and (under the general supervision of the Director) the Deputy Director are authorized to exercise the functions of the Director of Equal Employment Opportunity specified in the regulations of the Equal Employment Opportunity Commission at 29 CFR 1613.204(d), including making the decision under 29 CFR 1613.221 for the Secretary on complaints of discrimination and ordering such corrective measures as the Director or Deputy Director may consider necessary.

Section C. Supersedure. This document supersedes the designations and delegations contained in Sections A and C of the Designation and Delegation of Authority published at 35 FR 13682 on August 27, 1970.

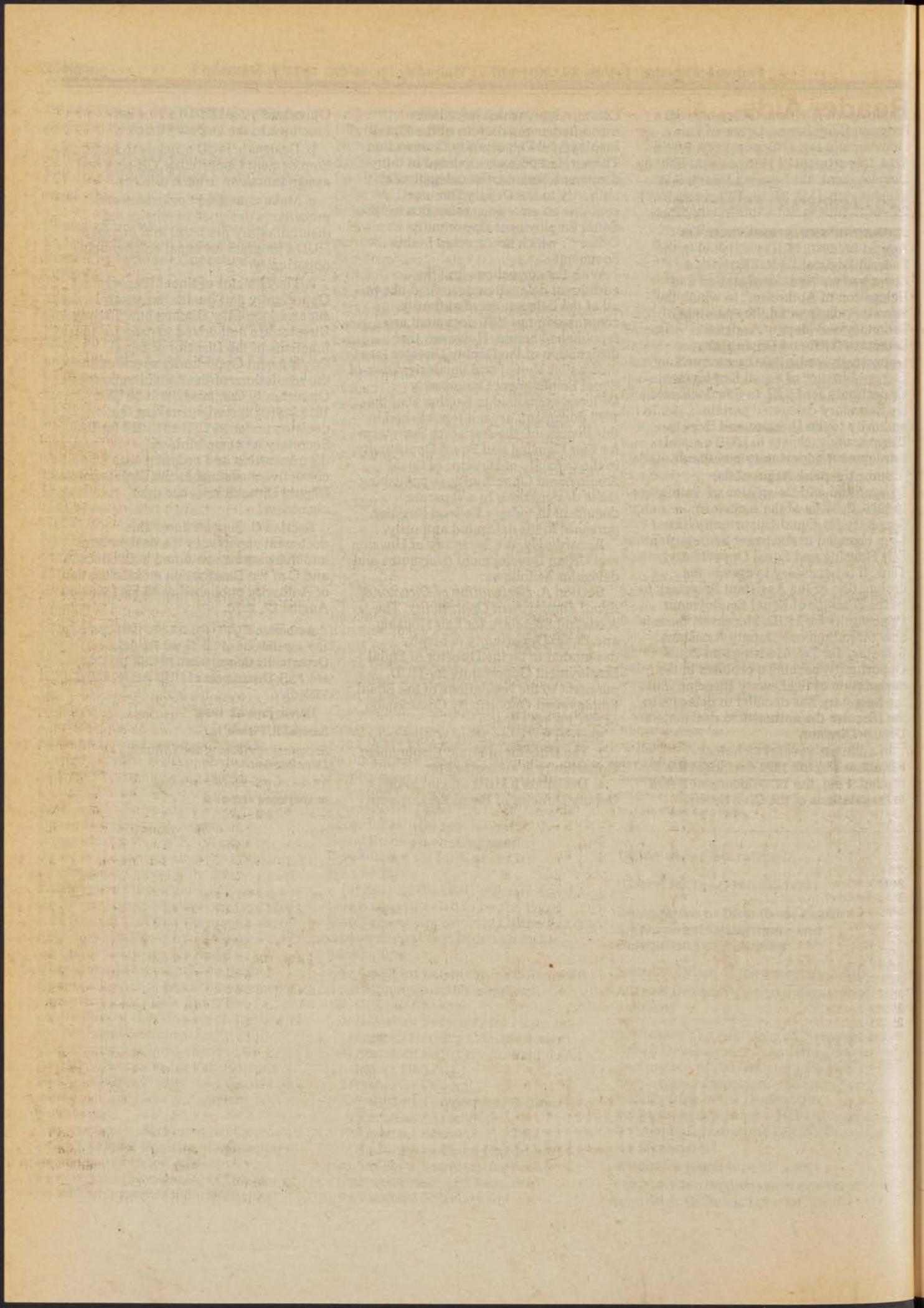
Authority: E.O. 11478, 3 CFR, 1969 Comp., p. 133; regulations of the Equal Employment Opportunity Commission, 29 CFR 1613.204; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: June 22, 1984.

Samuel R. Pierce, Jr.,
Secretary of Housing and Urban Development.

[FR Doc. 84-17292 Filed 6-27-84; 8:45 am]

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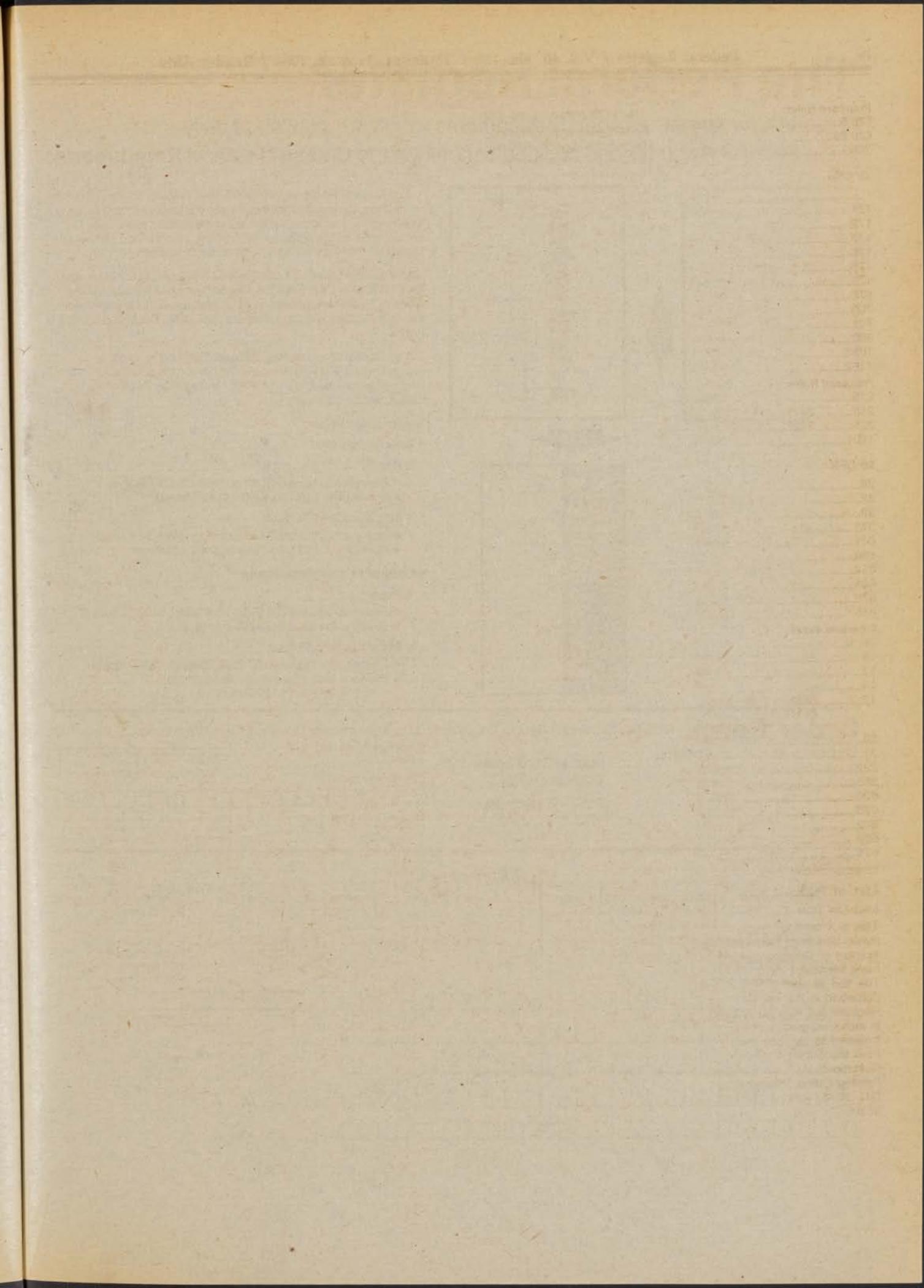
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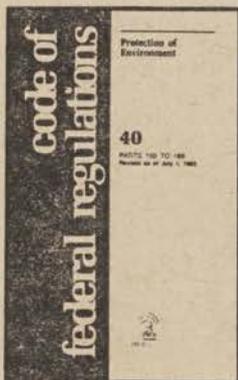
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