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federal register

Thursday
July 12, 1984

Selected Subjects

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Presidential Documents

Title 3—

The President

Proclamation 5220 of July 10, 1984

Food for Peace Day, 1984

By the President of the United States of America

A Proclamation

July 10, 1984, is the thirtieth anniversary of the signing of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480). This legislation, signed by President Eisenhower, began the largest food assistance program ever undertaken by one country on behalf of needy people throughout the world, the Food for Peace program.

The productivity and abundance of U.S. agriculture have made this generosity possible. During the thirty years of this program, more than 300 million tons of agricultural commodities and products valued at approximately $34 billion have been distributed to over 150 countries. This food has helped reduce world hunger and improve nutritional standards.

The Food for Peace program has served as an example for other countries which have joined the United States in the effort to provide food aid to needy people. It has served as a model for others to follow and continues to meet changing needs and situations.

The Food for Peace program has accomplished multiple objectives: to combat hunger and malnutrition abroad, to expand export markets for U.S. agriculture, to encourage economic advancement in developing countries, and to promote in other ways the foreign policy of the United States.

In recognition of the accomplishments of this program, the Congress, by Senate Joint Resolution 306, has designated July 10, 1984 as "Food for Peace Day" and has authorized and requested the President to issue a proclamation in observance of that day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim July 10, 1984, as Food for Peace Day, and I call upon the people of the United States to commemorate this occasion with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of July, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-18680
Filed 7-11-84; 10:24 am]
Billing code 3195-01-M

Editorial note: For the President's remarks of July 10, 1984, on signing Proclamation 5220, see the *Weekly Compilation of Presidential Documents* (vol. 20, no. 28).

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 534

Pay Under the Senior Executive Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing regulations to establish the procedures used in determining the hourly, daily, weekly or biweekly rates of pay for members of the Senior Executive Service. This regulation adopts the 2087 divisor for computing pay for members of the SES to ensure they continue to be paid in the same manner as all other salaried employees paid on a biweekly basis.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Jan B. Karicher, 202–632–9677.

SUPPLEMENTARY INFORMATION: On January 24, 1984, OPM issued interim regulations (49 FR 2879) to provide that members of the Senior Executive Service will have their pay computed in accordance with section 5504(b) of Title 5, United States Code, and that a divisor of 2,087 will be used in converting their annual pay to an hourly rate, the same as is done for other Federal employees who have an annual salary which is paid on a biweekly basis. This regulation was prompted by section 310(b) of Pub. L. 97–253, as amended, which provides that the hourly rate used as the basis for computing payments under section 5504(b) will be determined by dividing the annual salary by 2,087 during pay periods beginning between January 1, 1984, and September 30, 1985.

The interim regulations solicited comments from interested parties, to be received no later than February 23, 1984. No comments, written or oral, were received. Therefore, no change has been made in the interim regulations, and they are now published as final regulations.

As noted above, under Pub. L. 97–253, as amended, the use of the 2,087 divisor for employees subject to section 5504(b) of title 5, United States Code, will expire on the last day of the last pay period that begins on or before September 30, 1985. Since the purpose of these regulations is to ensure that members of the Senior Executive Service will have their pay computed in the same way as other Federal employees, the Office of Personnel Management expects to revoke the provision in these regulations concerning use of the 2,087 divisor (§ 534.404(b)) at the same time use of the 2,087 divisor ends for other employees.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, since it applies only to Federal employees.

List of Subjects in 5 CFR Part 534

Government employees, Personnel Management Office, Wages, Civil defense, Administrative practice and procedure.

Office of Personnel Management.
Donald J. Devine,
Director.

PART 534—PAY UNDER OTHER SYSTEMS

Accordingly, the Office of Personnel Management adopts the interim § 534.404 of Title 5 of the Code of Federal Regulations as a final regulation. For the convenience of the reader, § 534.404 is republished below.

* * * * *

Subpart D—Pay Under the Senior Executive Service

* * * * *

§ 534.404 Pay computation for members of the Senior Executive Service.

(a) Except as provided in paragraph (b), pay for members of the senior executive service shall be computed in accordance with 5 U.S.C. 5504(b).

(b) From the first day of the first pay period beginning on or after January 1, 1984, to derive an hourly rate divide the annual rate by 2,087.

(5 U.S.C. 5385)

[FR Doc. 84–18522 Filed 7–11–84; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Upland Cotton Staple Length Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The present official staple length standards are represented by actual quantities of cotton selected by cotton classification experts when the only measurement aid available was the common 1-inch ruler. This action establishes staple length standards for American upland cotton by use of an instrument specifically designed to measure cotton fiber, the Suter-Webb Duplex Cotton Fiber Sorter. This action will update the standards and increase their precision and accuracy. The staple length standards are established and maintained by USDA under the authority of the United States Cotton Standards Act.

DATES: Effective July 12, 1985.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 12, 1985.

FOR FURTHER INFORMATION CONTACT: John J. Korbol, Marketing Specialist, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2167.

SUPPLEMENTARY INFORMATION: This 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 on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because: (1) The effect of the change in the staple standards will be so extremely slight that it is anticipated that there will be no economic impact on individual cotton producers or marketers of any size, nor on the cotton industry as a whole; (2) the standards will be applied equally to all size entities by employees of the Department; (3) the changes will have an insignificant impact on the trading of cotton as it is conducted on the basis of USDA classification; and (4) no new costs or additional requirements will be imposed on any segment of the cotton industry or others.

Pursuant to section 56 of the United States Cotton Standards Act (7 U.S.C. 56), any standard or change or replacement to a standard shall become effective not less than one year after the date promulgated.

Background

Staple length is one of the quality factors of cotton determined by the Agricultural Marketing Service (AMS) when a sample of cotton, representing a bale, is submitted for classification. Staple length of cotton is defined as the normal length measurement of a typical portion of the sample's fibers under a relative humidity of 65 percent and a temperature of 70°F (7 CFR 28.301). Official cotton standards for length of staple are established and maintained by USDA under the authority of the United States Cotton Standards Act (7 U.S.C. 51 *et seq.*)

The first staple standards for American upland cotton were promulgated by USDA in 1918. Other standards were added in 1926 and 1929. The standards, which are actual quantities of cotton, were originally selected by visually comparing a tuft of fibers (a "pull") with a linear inch as marked on a ruler. The staple lengths are expressed in inches and fractions of an inch from 13/16 inches, generally in graduation of thirty-seconds of an inch (7 CFR 28.303).

By the early 1940's more precise measurements of cotton fibers could be obtained by using an instrument known as the Suter-Webb Duplex Fiber Sorter. The procedure of separating fiber into length groups with the Suter-Webb Duplex Fiber Sorter is called the array method. A technician using the Suter-Webb apparatus can separate the cotton fibers from a pull into an array of length groups at 1/8 inch intervals.

In 1942, the original physical staple standards were measured by the use of the Suter-Webb Duplex Fiber Sorter. These measurements revealed that there were slight differences between certain staple lengths as they were not all equidistant from each other. However, the differences were so slight as to be generally undetectable by cotton classers and were considered to be of no consequence to the cotton marketing system. For this reason, the physical standards were not changed at that time and the small differences have remained unchanged.

In 1982 the Secretary established the National Advisory Committee on Instrument Standards to evaluate the relationship and impact of instrument measurements and standards on existing official USDA cotton standards for manual classing. The Secretary also directed the Advisory Committee to make recommendations concerning the standards. As part of its review of the cotton standards, the Advisory Committee recommended that AMS modify, where appropriate, the length ranges of the original standards.

Following a review of all available information, AMS has determined that this recommendation would increase the precision and accuracy of the standards. In consideration of the foregoing, AMS is discontinuing the use of the present physical representations of the original standards for length of staple of American upland cotton. Instead, cotton which is a candidate for a particular staple standard will be subjected to length measurement by the Suter-Webb Fiber Sorter using the array method. If found to have the proper length, the cotton will be used to produce official physical representations of the standards for use by cotton classers.

The length measurements will be performed under the Standard Test Method for Length and Length Distribution of Cotton Fibers (Array Method), as adopted and published by the American Society for Testing and Materials and approved by the American National Standards Institute. This standard is designated ANSI/ASTM D 1440–77 (1982), and is incorporated by reference into the Code of Federal Regulations in paragraph (c) of revised § 28.303.

The array method using the Suter-Webb Duplex Fiber Sorter is adopted for measuring fiber length because it is recognized by the textile industry worldwide as a reliable, proven reference method for determining the length of cotton fibers and is a standard to which other methods are compared and their accuracy determined. Accordingly, the array method using the Suter-Webb was selected over other methods. Furthermore, AMS now has over 40 years of experience using this method in the standards program and the Agency has a high level of confidence in the data it produces.

AMS is also modifying slightly, where appropriate, the length ranges of the original standards as determined by the Suter-Webb Fiber Sorter. The modifications can be seen by comparing the columns below. The former ranges for each of the official staple lengths are given in the second column. The revised ranges for the same staple lengths are given in the third column. With one exception due to rounding, the revised ranges are linear, with equal and regular intervals between them. In contrast, the former ranges are not perfectly linear because the original staple standards were established without the aid of precision instruments to measure staple length.

[In inches]

Staple length	Array upper quartile length	
	Former range	New range
13/16	.850–.870	.827–.847
7/8	.910–.930	.909–.929
29/32	.950–.970	.950–.970
15/16	.980–1.000	.990–1.010
31/32	1.030–1.050	1.031–1.051
1	1.070–1.090	1.072–1.092
1 1/32	1.100–1.120	1.113–1.133
1 1/16	1.140–1.160	1.154–1.174
1 3/32	1.180–1.200	1.195–1.215
1 1/8	1.230–1.250	1.236–1.256
1 5/32	1.280–1.300	1.277–1.297
1 3/16	1.340–1.360	1.318–1.338
1 7/32	1.370–1.390	1..359–1.379
1 1/4	1.400–1.420	1.400–1.420

These changes are accomplished by revising § 28.303. The lengths of staple for American upland cotton currently enumerated in § 28.303 are retained in paragraph (a) of the revised section. Listed opposite the staple lengths are the range of measurements that would define each staple length standard. The derivation of additional staple lengths is also provided in paragraph (a) of § 28.303.

Sections 28.304 and 28.305 are redesignated, without change, as 28.306 and 28.307.

A new section 28.304 is added. This section provides for the continued maintenance of physical standards of American Pima cotton staple lengths. The physical standards have been reviewed and it has been determined that no change is necessary. Therefore, these standards are not changed by this action. The staple lengths and effective dates given in the current § 28.303(b) are retained in the new § 28.304 and the

format of the present § 28.304 is revised for clarification purposes.

Proposed rulemaking was published in the May 25, 1984 **Federal Register** at 49 FR 22098 and invited comments for 30 days ending June 25, 1984. Three comments were received, two from trade associations and one from a growers' association. All were in support of the proposal. Except for minor changes in the language of incorporation by reference in paragraph (c) of revised § 28.303, this final rule does not differ from the proposed rule.

List of Subjects in 7 CFR Part 28

Cotton, Samples, Standards, Cotton Linters, Grades, Staples, Market News, Testing, Incorporation by Reference.

PART 28—[AMENDED]

Accordingly, Subpart C, Part 28, of Chapter 1, Title 7 of the Code of Federal Regulations is amended as shown. The Table of Contents is amended accordingly.

1. The authority citation for Part 28, Subpart C reads as follows:

Authority: Sec. 28.301 to 28.305 issued under Sec. 10, 42 stat. 1519, 7 U.S.C. 61. Interpret or apply sec. 6, stat. 1518, as amended, 7 U.S.C. 56.

§§ 28.304 and 28.305 [Redesignated as §§ 28.306 and 28.307]

2. Sections 28.304 and 28.305 are redesignated as 28.306 and 28.307, respectively.

3. Section 28.303 is revised to read as follows:

§ 28.303 Standards for length of staple for American upland cotton.

(a) Effective July 12, 1985, standards for the lengths of staple of American upland cotton shall be measurements as determined by the Suter-Webb Duplex Cotton Fiber Sorter in accordance with the test method prescribed in paragraph (c) of this section. Ranges for each official staple length are shown in the table below. Staple standards exceeding 1¼ inches, in graduations of thirty-second inches, will be expressed in increments of .041 inches.

[In inches]

Staple length	Upper quartile length range
15/16	.827–.847
7/8	.909–.929
29/32	.950–.970
31/32	.990–1.010
1	1.031–1.051
1 1/32	1.072–1.092
1 1/16	1.113–1.133
1 3/32	1.154–1.174
1 1/8	1.195–1.215
1 5/32	1.236–1.256
1 3/16	1.277–1.297
1 7/32	1.318–1.338
1 9/32	1.359–1.379
1 1/4	1.400–1.420

(b) Cotton selected for the preparation of practical forms of staple standards shall, to the extent practicable, measure at the mid-point of the appropriate staple range indicated in paragraph (a) of this section.

(c) Length measurements shall be performed in accordance with the "Standard Test Method for Length and Length Distribution of Cotton Fibers (Array Method), ANSI/ASTM D 1440–77 (1982), which is incorporated by reference pursuant to the provisions of 5 U.S.C. 552(a). This standard test method has been adopted by the American Society for Testing and Materials (ASTM) and approve as an American National Standard by the American National Standards Institute. It is published in the "Annual Book of ASTM Standards," Part 33, volume 07.02. Copies of the ASTM book and copies of ASTM standard D 1440–77 as a separate publication may be obtained from ASTM, Customer Service, 1916 Race Street, Philadelphia, PA 19103. A copy of the ASTM standard test method is also on file at the Office of the Federal Register. A notice of any change in the ASTM standard test method cited herein will be published in the **Federal Register.**

4. A new § 28.304 is added as follows:

§ 28.304 Original representation of American Pima cotton staple lengths.

The following lengths of American Pima staple are represented by a quantity of cotton in the custody of the United States Department of Agriculture suitably contained and marked "Original Representation of Official Cotton Standards of the United States" followed in each instance by the name of growth, appropriate designation for staple length, and the effective date.

Staple length (inches)	Effective date
1 15/16	Aug. 1, 1961.
1 3/8	Aug. 10, 1943.
1 7/16	Do.
1 1/2	Aug. 1, 1929.

Dated: July 5, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-18410 Filed 7-11-84; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service

7 CFR Parts 278 and 279

[Amdt. 258]

Food Stamp Program; Bonding of Authorized Firms

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Food Stamp Program's regulations to implement section 176 of Pub. L. 97–253, the "Omnibus Budget Reconciliation Act of 1982." The rule mandates that the Secretary require as a condition of authorization to accept and redeem food coupons that an authorized firm which has been disqualified or subjected to a civil money penalty furnish a collateral bond to cover the value of food coupons which the authorized firm may in the future accept and redeem in violation of the Food Stamp Act of 1977, as amended. A collateral bond is a financial guarantee in the form of an indemnity agreement deposited with FNS in a sum certain which protects against loss due to the inability or refusal of a party to pay a claim asserted against the party by FNS. The bond will be conditioned upon the full adherence to all applicable requirements of the FS Act and regulations. In this instance, the bond guarantees that the Department will be able to collect at least part of any fiscal claims resulting from program violations by authorized firms. This regulatory amendment prescribes the conditions under which a collateral bond will be required, the conditions of acceptance of the bond by FNS, the method of calculating the value of the bond, the minimum bond amount, the length of time for which a collateral bond will be required, and the criteria and procedure for the collection of forfeiture of a bond.

DATE: This final rule will be effective August 13, 1984.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Supervisor, Issuance and Benefit Delivery Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 756–3461.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291. The Department has reviewed this rule under Executive Order 12291 and

Secretary's Memorandum No. 1512–1. The rule will affect the economy by less than $100 million a year. The rule will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be 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. Therefore, the Department has classified the rule as "not major".

Regulatory Flexibility Act. This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96–354. Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

Recordkeeping Requirements. This rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

Background

Each year the Department of Agriculture investigates approximately 5,000 firms which are authorized to participate in the Food Stamp Program (FSP). In the majority of those investigations in which serious violations are discovered, claims are established against the firms to recoup direct losses of $100 or more to the Federal Government. Such losses may be the result of a firm's sale of ineligible items for food coupons, buying coupons (trafficking), acceptance of food coupons in payment of cash loans, and/or the acceptance and redemption of illegally acquired food coupons.

On September 6, 1983, the Food and Nutrition Service (FNS) published in the **Federal Register**, at 48 FR 40263 a Proposed Rule concerning the bonding of retail food firms. Six comments were received concerning the proposed amendment. Four comments came from State welfare agencies, and all agreed with the amendment as proposed.

The Department's Office of the Inspector General (OIG), requested deleting the condition that the face value of a collateral bond not exceed the largest claim collected (from any firm) by FNS at that time. OIG's reason for the request is that in some instances the amount collected on a fiscal claim is less than the amount originally established and that the originally established claim against a particular firm in many instances is less than the dollar value of the violations which may be reasonably assumed to have occurred prior to the investigation of the firm. FNS concurs with the comment and has deleted the cap. Tying the upper limit of the bond to the largest claim collected would mean that FNS would be constantly changing that limit. In addition, the purpose of a bond is to assure payment of a claim. To set a maximum limit on the bond value based on the Agency's ability to collect in the past without a bond, would impose unnecessary restrictions on future collections.(§ 278.1(b)(4)(B))

The FNS Administrative Review Division (ARD) suggested that we set a limit on the period of time that a firm must be bonded after it presents a bond initially. This comment is not accepted since FNS interprets Congressional intent to require a sanctioned firm to be bonded during all subsequent participation in the program. The ARD also suggested that a clarification be made as to whether firms or bonding agents may make a request for review, and whether or not a forfeiture from a collateral bond may be executed prior to the decision of a review officer when review is requested by the firm. The latter two changes requested by the ARD have been clarified in this final rule. Only firms may request review of forfeiture and forfeiture may not be finalized until administrative or judicial stay is either waived or concluded. (§ 279.3(a)(4))

FNS will not accept cash, certificates of deposit, letters of credit, first-lien security interest in real or personal property, or other negotiable items (with the exception of the collateral bond certificate itself) or any form of self-bonding. FNS has eighty field offices nationwide and because some of them are not located in secured Federal buildings, the Agency does not want the field offices to be repositories for items offered in lieu of collateral bonds. (§ 278.1(b)(4)(A))

A section has been added to clarify the terms and conditions under which a firm will forfeit its bond, and to explain the collection by FNS of a forfeited bond. FNS will determine the amount of the bond to be forfeited based on a letter of charges to the firm, and will notify the bonding agent of this amount. The firm will be advised of its right to request review. If payment is not received from the firm and the firm does not request review, FNS will proceed with collection on the bond. (§ 278.7(b))

Implementation

FNS will implement the provisions of this amendment 30 days after final publication. All authorized firms which have been disqualified or assessed a civil money penalty and which apply for reauthorization after the effective date, are subject to these provisions.

List of Subjects

7 CFR Part 278

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries—retail, Groceries, General line—wholesaler, Penalties.

7 CFR Part 279

Administrative practice and procedure, Food stamps, Groceries—retail, Groceries, General line—wholesaler.

7 CFR Parts 278 and 279 are amended as follows:

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND FINANCIAL INSTITUTIONS

1. In §278.1, paragraph (b)(4) is redesignated as (b)(5) and a new paragraph (b)(4) is added to read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

* * * * *

(b) * * *

(4) *Bonding for firms with previous sanctions.* (i) If the applicant firm has been sanctioned for violations of this Part, by withdrawal or disqualification from program participation, or by a civil money penalty, the FNS officer-in-charge shall, as a condition of future authorization, require the applicant to present a collateral bond which:

(A) Is issued by a bonding agent recognized under the law of the State in which the applicant is conducting business, and which is represented by a negotiable certificate only.

(B) Is payable to the Food and Nutrition Service, U.S. Department of Agriculture;

(C) Cannot be canceled by the bonding agent for non-payment of the premium by the applicant;

(D) Has a face value of $1,000 or an amount equal to ten percent of the average monthly coupon redemption volume of the applicant for the immediate twelve months prior to the effective date of the most recent sanction which necessitated the bond, whichever amount is greater;

(E) Is valid at all times during which the firm is authorized to participate in the program; and

(F) Remains in the custody of the officer-in-charge unless released to the applicant as a result of the withdrawal of the applicant's authorization, without

a fiscal claim established against the applicant by FNS.

(ii) Furnishing a collateral bond shall not eliminate or reduce a firm's obligation to pay in full any civil money penalty or previously determined fiscal claim which may have been assessed against the firm by FNS prior to the time the bond was required by FNS, and furnished by the firm. A firm which has been assessed a civil money penalty shall pay FNS as required, any subsequent fiscal claim asserted by FNS. In such cases a collateral bond shall be furnished to FNS with the payment, or a schedule of intended payments, of the civil money penalty.

* * * * *

2. In § 278.6, introductory paragraph (h) and paragraphs (h)(1) and (h)(2) are revised and a new (h)(3) is added. The changes read as follows:

§ 278.6 Disqualification of retail food stores and wholesale food concerns, and imposition of civil money penalties in lieu of disqualification.

* * * * *

(h) *Notifying the firm of civil money penalty.* A firm has 15 days from the date the FNS regional office notifies the firm in writing in which to pay the civil money penalty, or to notify the regional office in writing of its intent to pay in installments as specified by the regional office. The firm must present to FNS a collateral bond as specified in § 278.1(b)(4), within the same 15-day period. The civil money penalty must be paid in full by the end of the period for which the firm would have been disqualified. FNS shall:

(1) Disqualify the firm for the period determined to be appropriate under paragraph (e) of this section if the firm refuses to pay any of the civil money penalty;

(2) Disqualify the firm for a period corresponding to the unpaid part of the civil money penalty if the firm does not pay the civil money penalty in full or in installments as specified by the FNS regional office; or

(3) Disqualify the firm for the prescribed period if the firm does not present a collateral bond within the required 15 days. Any payment on a civil money penalty which have been received by FNS shall be returned to the firm. If the firm presents the required bond during the disqualification period, the civil money penalty may be reinstated for the duration of the disqualification period.

* * * * *

3. In § 278.7, paragraphs (b) through (f) are redesignated (c) through (g), and a new paragraph (b) is added to read as follows:

§ 278.7 Determination and disposition of claims—retail food stores and wholesale food concerns.

* * * * *

(b) *Forfeiture of a collateral bond.* If FNS establishes a claim against an authorized firm which has previously been sanctioned, collection of the claim may be through total or partial forfeiture of the collateral bond. If FNS determines that forfeiture is required for collection of the claim, FNS shall take one or more of the following actions, as appropriate.

(1) Determine the amount of the bond to be forfeited on the basis of the loss to the Government through violations of the act, and this Part, as detailed in a letter of charges to the firm;

(2) Send written notification by certified mail-return receipt requested to the firm and the bonding agent, of FNS' determination regarding forfeiture of all or a specified part of the collateral bond, and the reasons for the forfeiture;

(3) Advise the firm and the bonding agent of the firm's right to administrative review of the claim determination;

(4) Advise the firm and the bonding agent that if payment of the current claim is not received directly from the firm, FNS shall obtain full payment through forfeiture of the bond;

(5) Proceed with collection on the bond for the amount forfeited if a rerquest for review is not filed by the firm within the period established in § 279.5, or if such review is unsuccessful; and

(6) Upon the expiration of time permitted for the filing of a request for administratve and/or judicial review, deposit the bond in a Federal Reserve Bank account or in the Treasury Account, General. If FNS requires only a portion of the face value of the bond to satisfy a claim, the entire bond will be negotiated, and the remaining amount returned to the firm.

PART 279—ADMINISTRATIVE AND JUDICIAL REVIEW—FOOD RETAILERS AND FOOD WHOLESALERS

1. In § 279.3, paragraphs (a)(2) and (a)(3) are revised and a new (a)(4) is added. The changes read as follows:

§ 279.3 Authority and jurisdiction.

(a) * * *

(2) Disqualification from participation in the program or imposition of a civil money penalty under § 278.6;

(3) Denial of all or any part of any claim under § 278.7; or

(4) Forfeiture of part or all of a collateral bond under § 278.1, if the request for review is made by the authorized firm. The food stamp review officer shall not accept requests for review made by a bonding company or agent.

* * * * *

2. In § 279.7, the fourth sentence in paragraph (a) is revised to read as follows:

§ 279.7 Action upon receipt of a request for review.

(a) *Holding action.* * * * If the administrative action in question involves a denial of approval of an application to participate in the program, a denial of a claim brought by a firm against FNS, of the forfeiture or a collateral bond, the review officer shall direct that the firm not be approved for participation, not be paid any part of the disputed claim, or not be reimbursed for any bond forfeiture, until the review officer has made a determination. * * *

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: July 5, 1984.

Robert E. Leard,

Administrator.

[FR Doc. 84-18450 Filed 7-11-84; 8:45 am]

BILLING CODE 3410-30-M

Rural Electrification Administration

7 CFR Part 1772

Field Trials

AGENCY: Rural Electrification Administration.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration hereby amends 7 CFR Part 1700 by adding a new § 1772.3, Field Trials. This material was previously set forth in REA Bulletin 345–45, Field Trial of Telephone Construction Materials and Equipment. REA is currently in the midst of codifying all of its policy bullentins of which 345–45 is one. In addition to codifying the bulletin, revisions have been made which will clarify the responsibilities of borrowers and manufacturers in the conduct of a field trial and will increase the effectiveness of field trials while reducing the effort of collecting field performance data.

EFFECTIVE DATE: July 12, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–8663. The Final

Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: REA regulations are issued pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.). This final action has been reviewed in accordance with Executive Order 12291, Federal Regulation. This action will not: (1) Have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act. This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping provisions that are included in this rule have been approved by the Office of Management and Budget (OMB).

Background

The Rural Electrification Administration (REA), as a part of its actions to assure the security of its loans, evaluates equipments and materials routinely used to construct telephone systems such as are routinely built by REA borrowers. It frequently becomes necessary to install products under evaluation in an actual field environment and monitor their performance for a period of time to assure that they are satisfactory before they are accepted by REA for use in REA financed systems. This type of field installation is known as a "Field Trial", and the newly codified § 1772.3 details procedures for their establishment and operation.

A Notice of Proposed Rulemaking was published in the **Federal Register** on June 24, 1983, Volume 48, Number 123, page 28999. However, no public comments were received in response to the proposal. Upon further review by the Office of the General Counsel, a clarification has been incorporated as § 1772.3(f) to provide for the termination of unsuccessful field trials by either the borrower or supplier.

List of Subjects in 7 CFR Part 1772

Loan programs—communications, Telecommunications, Telephone.

In view of the above, Part 1772 of 7 CFR Chapter XVII is amended as follows:

PART 1772—TELEPHONE STANDARDS AND SPECIFICATIONS

1. The Authority for Part 1772 reads as follows:

Authority: 7 U.S.C. 901 et seq.

2. Section 1772.3 is added to read as follows:

§ 1772.3 Field Trials

(a) Except as covered in Bulletin 345–3, no loan funds shall be advanced for any product if any item to be included in the project is not included in the "List of Materials Acceptable for Use on Telephone Systems of REA Borrowers," REA Bulletin 344–2. When new items of materials or equipment are considered for acceptance by REA or when a previously accepted item has been subjected to such major modifications that its suitability cannot be determined based on laboratory data and/or field experience, a field trial shall be required if REA so determines. This field trial consists of limited field installations of the materials or equipment in closely monitored situations designed to determine, to REA's satisfaction, their operational effectiveness under actual field conditions. Field trials are to be used only as a means for determining, to REA's satisfaction, the operational effectiveness of a new or revised product under actual field conditions. Both the manufacturer and borrower are responsible for assuring that the field trial is carried out and that the required information on the product's performance is received by REA in a timely manner. The use of materials or equipment derived from new inventions or concepts untried within the telephone industry is defined as "an experiment" and shall be handled as a special case using procedures considered appropriate by REA to meet the individual experiment.

(b) To qualify for a field trial, the new and improved materials and equipment must appear to REA to offer one or more of the following benefits:

(1) Improved performance.

(2) Decreased Cost.

(3) Broader application.

(c) The item of material or equipment subject to field trial may be only part of the total amount of materials or equipment included in a bid or it may be the key component of the facility or system provided; therefore, REA shall have authority to require that a satisfactory plan be provided to maintain or restore service in the event that the materials and equipment fail to meet established performance requirements. REA shall limit the quantity of new materials and equipment installed on any field trial and shall also limit the number of field trials for a given product to what REA considers reasonable to provide the necessary information.

(d) A borrower may participate in a field trial only if, in REA's opinion, the borrower possesses:

(1) Adequate financial resources so that no delay in the project will result from lack of funds.

(2) The finanical stability to overcome difficulties which may result from an unsuccessful field trial. The borrower must be able to restore and maintain service until the manufacturer meets its financial obligations with respect to the field trial.

(3) Qualified personnel to enable it to discharge its responsibilities.

(4) A record satisfactory to REA for maintaining equipment and plant facilities and for providing REA with information when requested.

(5) Willingness to participate in the field trial and awareness of the effort and responsibility this entails.

(e) The test site for the field trial shall be, in REA's opinion, readily accessible and provide the conditions, such as temperature extremes, high probability of lightning damage, etc., for which the product is being evaluated. The material or equipment involved shall be covered by an REA specification or a suitable standard acceptable to REA. The supplier is required to submit test data to show conformance with the applicable specification or standard. Further testing shall be performed if required by REA personnel.

(f) A field trial shall normally continue for a minimum of six months, or for a longer period of time determined by REA to be required to obtain conclusive data that the item either fulfills all requirements or is unacceptable. Either the borrower or supplier may terminate a field trial at any time, in accordance with their contractural agreement. Such termination, if prior to the time required by REA, shall constitute withdrawal of the product from consideration by REA. REA has authority to terminate field trials based on its determination that the equipment is not performing satisfactorily and that this lack of performance may, in REA's opinion, cause service degradation or hazards to life or property.

(g) Field trials shall be conducted in accordance with the instructions set forth in this regulation and the agreement relating to the specific

application. Both the supplier and the borrower shall agree, and obtain REA approval before the start of the trial, on the following:

(1) The specific purpose of the field trial;

(2) Ownership of items during trial;

(3) Starting date and duration;

(4) Responsibility for costs and removal of items in the event of noncompliance with the specification or purpose intended and arrangements for service continuity or restoration;

(5) Responsibility for testing, test equipment and normal operation and maintenance during the trial period;

(6) Availability of test equipment on site during the trial period; and

(7) Responsibility for spare parts and components consumed during the trial period.

(h) Both the supplier and the borrower shall keep REA informed of the status of a field trial. These reports shall not be limited to details of problems of failures encountered during installation and subsequent operation but shall include information on progress of the field trial. If these reports are not received in accordance with the requirements of the REA Form 399b, REA shall have the authority to deny or suspend loan funds related to these products until the delinquent reports are received.

(i) Before a borrower purchases materials or equipment that require a field trial, prior approval must be obtained from REA and REA Form 399b, REA Telecommunications Equipment Field Trial (available from the Director, Administrative Services Division, Rural Electrification Administration, Room 0175, South Building, U.S. Department of Agriculture, Washington, D.C. 20250) will be completed by REA and must be signed by both the borrower and supplier as an indication that they understand their responsibilities in the field trial. Assurance must also be obtained from REA that the "particular item" that is the subject of the field test is eligible for a field trial. To obtain this assurance, any proposal for use of an item on a field trial basis shall be forwarded to the Chief, Area Engineering Branch, for review and approval.

(j) Procedures for establishing field trials for the various categories of equipment after REA has approved the 399b:

(1) Electronic transmission equipment. The procedure set forth in Bulletin 385–2 "Purchasing and Installing Special Electronic Equipment" shall be followed except that the Special Equipment Contract (Including Installation), REA Form 397, shall be used in all purchases of electronic equipment for field trials. In addition, the borrower and supplier shall execute three copies of a "Supplemental Agreement to Equipment Contract for Field Trial," REA Form 399, or a "Supplemental Agreement to Equipment Contract for Field Trial (Secondary—Delivery, Installation, Operation)", REA Form 399a, as well as three copies of the REA Form 399b, "REA Telecommunications Equipment Field Trial", and forward them, together with three copies of the executed contract and specifications, to the Chief, Area Engineering Branch. A limited number of copies of REA Forms 399, 399a, and 399b are available from REA upon request from the Director, Administrative Services Division, Rural Electrification Administration, Room 0175, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Additional copies may be reproduced by the user as needed. This category includes:

(i) Voice frequency repeaters;

(ii) Trunk carriers;

(iii) Subscriber carrier;

(iv) Point-to-point radio (Microwave);

(v) Coaxial cable system electronics;

(vi) Fiber optic cable system electronics;

(vii) Multiplex equipment;

(viii) Mobile and fixed radiotelephone; and

(ix) Other items of electronic equipment associated with transmission.

(2) Central office equipment. The procedure set forth in Bulletin 384–1 "Purchasing and Installing Central Office Equipment" shall be followed except that "The Central Office Equipment Contract (Including Installation)", REA Form 525, shall be used to purchase switching equipment for field trials. In addition, the borrower and supplier shall execute three copies of a "Supplemental Agreement to Equipment Contract for Field Trial," REA Form 399, or a "Supplemental Agreement to Equipment Contract for Field Trial (Secondary—Delivery, Installation, Operation)", REA Form 399a, as the case may be, as well as three copies of the REA Form 399b, "REA Telecommunications Equipment Field Trial", and forward them, together with three copies of the executed contract and specification to the Chief, Area Engineering Branch. This category includes:

(i) Central office dial equipment;

(ii) Direct distance dialing equipment;

(iii) Automatic number identification equipment;

(iv) Line concentrators;

(v) Remote switching equipment; and

(vi) All other items of equipment associated with switching equipment, such as loop extenders.

(3) Protection equipment and materials, outside plant equipment and materials, and all other equipment and materials, which includes all items not covered in paragraph (j) (1) or (2) of this section, shall be handled as described in Bulletin 344–1 "Methods of Purchasing Materials and Equipment for Use on Systems of Telephone Borrowers" except that the borrower's purchase order form is to be used for purchasing materials and equipment in these categories. In addition, the borrower and supplier shall execute three copies of the "Supplemental Agreement to Equipment Contract for Field Trial," REA Form 399, or a "Supplemental Agreement to Equipment Contract for Field Trial (Secondary—Delivery, Installation, Operation)", REA Form 399a, as the case may be, as well as three copies of the REA Form 399b, "REA Telecommunications Field Trial", and forward them, together with three copies of the purchase order to the Chief, Area Engineering Branch.

(k) For all items except Electronic Central Office Equipment, suppliers and manufacturers must furnish warranties or guarantees satisfactory to REA against the failure of the material and equipment used in the field trial. Terms of this warranty must not be less than the provisions of the standard warranty included in the "Telephone System Construction Contract", REA Form 515, or the warranty provided for similar materials and equipment included in the "List of Materials Acceptable for Use on Telephone Systems of REA Borrowers", REA Bulletin 344–2. In lieu of a warranty, materials and equipment are sometimes furnished to REA borrowers on a reduced or no cost basis. Terms of such arrangements are subject to REA approval and should be fully covered in field trial proposals forwarded by borrowers to the Chief, Area Engineering Branch for review and approval. For the purchase of electronic central office equipment, suppliers and manufacturers are to provide warranties as provided in the applicable REA contract form: REA Form 397 for electronic equipment and REA Form 525 for central office equipment. Forms 399 and 399a, which apply to field trials of these devices, specify that the term of the warranty does not begin until the satisfactory conclusion of the field trial.

Dated: June 26, 1984.

Harold V. Hunter,

Administrator.

[FR Doc. 84–18429 Filed 7–11–84; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule removes extension of reentry permits as an authorized function of Officers in Charge at overseas offices. Since the enactment of Pub. L. 97–116, reentry permits have not been renewable. Therefore this authorization is no longer applicable.

EFFECTIVE DATE: July 12, 1984.

FOR FURTHER INFORMATION CONTACT:

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

For Specific Information: F. Gerard Heinauer, Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536. Telephone: (202) 633–5014

SUPPLEMENTARY INFORMATION: On December 29, 1981, Pub. L. 97–116 (95 Stat. 1611) was enacted which in part eliminated extension of reentry permits. Accordingly, responsibility for extension of reentry permits is no longer a functional responsibility of Officers in Charge at overseas offices.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this rule relates to agency management.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule, if promulgated, will not have a significant impact on a substantial number of small entities.

This order is not a rule within the definition of section 1(a) of E.O. 12291 as it relates solely to agency management.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegation (Government agencies), Organization and functions.

Accordingly, Chapter 1 of title 8 of the Code of Federal Regulations is amended as follows:

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

§ 103.1 [Amended]

In § 103.1, paragraph (o)(2) is amended by removing the words "extend reentry permits" from the list of authorized functions.

* * * * *

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

Dated: July 3, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84–18382 Filed 7–11–84; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84–CE–16–AD; Amendment 39–4888]

British Aerospace, Aircraft Group, Scottish Division Model HP. 137 Jetstream Mk. 1, Jetstream Series, 200, and Jetstream 3101 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 84–11–05, applicable to British Aerospace (BAe) Jetstream Series airplanes and codifies the corresponding emergency AD letter dated June 6, 1984, into the **Federal Register.** This AD requires, prior to further flight, installation of placards specifying preflight operational flap checks and reduced maximum speed limitations for wing flap extension and for flight with flaps extended. Findings during an investigation of a recent incident disclosed that Flap and Lift Dump selectors in these airplanes may have improperly heat treated valve bobbins installed which could cause the flap selector valve or dump selector valve to move the flaps to the lift dump position without warning. The reduced limitations and preflight operational checks will preclude the possibility of an accident from such a malfunction in flight.

EFFECTIVE DATE: July 17, 1984, to all persons except those to whom it has already been made effective by priority letter from the FAA dated June 6, 1984. Compliance: As prescribed in the body of the AD.

ADDRESSES: BAe Alert Service Bulletin (S/B) 27–A–JM9002, dated December 22, 1983, and BAe S/B 27–JM5236, dated May 10, 1984, applicable to this AD may be obtained from British Aerospace, Engineering Department, P.O. Box 17414, Dulles International Airport, Washington, D.C. 20041. A copy of the information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Adolfo O. Astorga, Aircraft Certification Office, AEU–100, Europe, Africa & Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513–3830 X2711 or Mr. L. Werth, FAA ACE–109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: Findings by the United Kingdom Civil Aviation Authority during an investigation of a recent incident, involving a BAe Model HP.137 Jetstream Mk.1 airplane disclosed that Flap and Lift Dump Selectors, Part Number 8661B, have been assembled with improperly heat treated valve bobbins. Exposure of these bobbins to very low temperatures may cause changes in the crystalline structure of the material with resulting growth of the bobbin diameter. This growth is sufficient to cause the bobbin to jam in the valve liner and cause valve malfunction without warning. Should a malfunction occur which causes the flaps to move to the lift dump position in the final stages of a landing approach, recovery to a controlled landing may not be possible. As a result, BAe published alert S/B 27–A–JM9002 dated December 22, 1983, and S/B 27–JM5236 dated May 10, 1984, applicable to BAe Jetstream Series airplanes which contain certain preflight operational flap checks and specify reduced maximum speed limitation for wing flap extension and for flight with flaps extended which will preclude the possibility of a valve malfunction causing the flaps to move to the lift dump position in flight.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design, thereby necessitating the AD. It was also determined that an emergency condition existed, that immediate corresponding action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by priority mail letter dated June 6, 1984. The AD became effective immediately

as to these individuals upon receipt of that letter and is identified as AD 84–11–05. Since the unsafe condition described therein may still exist on other BAe Jetstream Series airplanes, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

British Aerospace: Applies to British Aerospace (BAe) HP.137 Jetstream Mk.1, Jetstream Series 200, and Jetstream Model 3101 airplanes (all serial numbers through 619, except serial number 615), certificated in any category.

Compliance: Required prior to further flight, unless already accomplished.

To reduce the possiblity of a malfunction causing the flaps to move to the lift dump position in flight, accomplish the following:

(a) For the HP.137 Jetstream Mk.1 and Jetstream Series 200 airplanes:

(1) Fabricate and install in full view of the pilot, a temporary placard using letters of minimum .10 inch in height which states:

"PRIOR TO EACH FLIGHT, COMPLETE THE FLAP OPERATIONAL CHECKS IN THE INSERT TO SECTION 4 OF THE AFM. MAXIMUM FLAP EXTENSION SPEED—140 KNOTS IAS"

(2) Temporarily blank out the flap extension speeds on the Limitations Placard and operate the airplane in accordance with these limitations.

(3) Add the following information to Section 4 of the Airplane Flight Manual (AFM):

(i) Upon completion of "After Start Checks" accomplish Flaps Operational Check as follows:

With Power levers just forward of the Ground Idle range, check T.O. and Down positions. Retard the Power levers to Ground Idle and check that the flaps extend to the Dump position. Move Power levers just forward of Ground Idle and check flaps return to Down position. Select Flaps Up and check the flaps return to the Up position. Ensure that the position of flap selector switch corresponds with the indication on the flap position indicator.

(ii) If the flaps do not move to the correct position, remove the airplane from service and contact BAe (see note for address).

(4) Add the following information to section 3 of the AFM:

(i) Should the flaps fail to retract after takeoff, re-select the T.O. position.

(ii) Should the flaps fail to extend on selection, re-select to the Up position.

(iii) Should the flaps run to Down when selected to T.O. for approach, select the achieved position.

(iv) Do not use the Emergency Hydraulic System to lower the flaps when a malfunction has been identified.

(v) Depending on circumstances, either carry out a landing with flaps Up or with the flaps partially deflected, using the Landing With Flaps Up procedure detailed in section 3 of the Flight Manual, or if the flaps are fully extended to the normal landing position, carry out a normal landing using normal procedures. Lift Dump should be available on touch-down.

(vi) If a malfunction has been identified, remove the airplane from service and contact BAe (see note for address).

(b) For Jetstream Model 3101 airplanes:

(1) Fabricate and install in full view of the pilot, a temporary placard using letters of minimum .10 inch in height which states:

"PRIOR TO EACH FLIGHT, COMPLETE THE FLAP OPERATIONAL CHECKS IN THE INSERT TO SECTION 4 OF THE AFM. MAXIMUM FLAP EXTENSION SPEED—149 KNOTS IAS"

(2) Temporarily blank out the flap extension speeds on the Limitations Placard and operate the airplane in accordance with these limitations.

(3) Add the following information to section 4 of the AFM:

(i) Upon completion of "After Start Checks" accomplish Flaps Operational Check as follows: Ensure each time by reference to the Wing Flaps Position Indicator, that the achieved position corresponds to the Selected position. Check that Lift Dump is only achieved with flaps selected to 50 degrees and Power Levers to Ground Idle.

(ii) If the flaps do not move to the correct position, remove the airplane from service and contact BAe (see note for address).

(4) Add the following information to section 3 of the AFM:

(i) Should the flaps fail to retract after takeoff, re-select previous selected position.

(ii) Should the flaps fail to extend on selection, re-select to the UP position.

(iii) Should the flaps run to 50° when selected to 10° or 20° for approach, select the achieved position.

(iv) Do not use the Emergency Hydraulic System to lower the flaps when a malfunction has been identified.

(v) Depending on circumstances, either carry out a landing with flaps UP or with the flaps partially deflected, using the Landing With Flaps Up procedures detailed in section 3 of the Flight Manual, or if the flaps are fully extended to the normal landing position, carry out a normal landing using normal procedures. Lift Dump should be available on touch-down.

(vi) If a malfunction has been identified, remove the airplane from service and contact BAe (see note for address).

(c) Insertion of a copy of this AD in front of the sections specified in paragraphs (a)(3), (a)(4), (b)(3), and (b)(4) above satisfies the requirements of these paragraphs.

(d) The requirements of paragraph (c) of the AD may be accomplished by the holder of a pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by him. The person accomplishing these actions must make the appropriate aircraft maintenance record entry as prescribed by FAR 91.173.

(e) Remove the temporary placards, AFM inserts and operational placard changes required elsewhere in this AD when BAe Modification JM 5236 is accomplished.

(f) An equivalent means of compliance with this AD may be used, if approved, by Manager, Aircraft Certification Office, AEU–100, Europe, Africa & Middle East Office, FAA c/o American Embassy, Brussels, Belgium.

Note.—Repair and parts information may be obtained from British Aerospace (BAe), Engineering Department, P.O. Box 17414, Dulles International Airport, Washington, D.C. 20041; Telephone (703) 435–9100.

This amendment becomes effective on July 17, 1984, to all persons except those to whom it has already been made effective by priority letter from the FAA dated June 6, 1984, and is identified as AD 84–11–05.

(Secs. 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 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 at the location under the caption **"ADDRESSES."**

Issued in Kansas City, Missouri, on July 2, 1984.

Murray E. Smith,

Director, Central Region.

[FR Doc. 84–18440 Filed 7–11–84; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 703

Trade Regulation Rule Concerning Informal Dispute Settlement Procedures

AGENCY: Federal Trade Commission.

ACTION: Final approval of exemption.

SUMMARY: The Commission has given final approval to its tentative grant of a limited exemption for a two-year trial period from the Rule on Informal Dispute Resolution Procedures, 16 CFR Part 703, for the Better Business Bureau (BBB) Mediation/Arbitration Program, the Chrysler Customer Satisfaction Board and the Automotive Consumer Action Program (AUTOCAP). The exemption extends the Rule's 40-day time limit for arbitration decisions to 60 days. This extension allows these dispute resolution programs to use a mediation process as part of their dispute resolution procedures.

DATE: Final approval of the exemption was granted on July 2, 1984.

FOR FURTHER INFORMATION CONTACT: Lemuel W. Dowdy, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580 (202) 523–3911.

SUPPLEMENTARY INFORMATION: The Commission has decided to grant a limited exemption from Rule 703 for the Better Business Bureau Mediation/Arbitration Program, the Chrysler Customer Satisfaction Board Program and the Automotive Consumer Action Program. The exemption would extend the Rule's time limit for arbitration decisions from 40 days to 60 days. This extension will allow the BBB, Chrysler and AUTOCAP programs adequate time to conduct a mediation process. The Commission has also decided to limit approval of the exemption to a two-year trial period and to place the following conditions on the exemption:

1. Consumers are not required to participate in mediation. Consumers may terminate mediation before the process begins or at any time during the process and still obtain a decision from the mechanism.

2. Upon notification from the consumer that he or she elects to cease mediation and start the arbitration process, the mechanism shall render a decision within 40 days of such notification or within 60 days of the date of the mechanism first received notification of the dispute, whichever is less.

3. The procedures required by conditions 1 and 2 shall be disclosed clearly and conspicuously to the consumer after the mechanism has received notice of the dispute and prior to beginning the mediation process.

The Commission published a notice in the **Federal Register** (49 FR 5349, February 13, 1984) announcing its tentative decision to grant the exemption with conditions and seeking comments on whether this exemption and the conditions are appropriate.

Three parties submitted comments during the comment period: The Massachusetts Executive Office of Consumer Affairs and Business Regulation, the Center for Auto Safety and Ford Motor Company.

The Massachusetts Executive Office of Consumer Affairs and Business Regulation opposes the exemption request because, in its view, in adopting the rule, the FTC expressed the strong public policy that the 40-day decision deadline is the outside limit of timely decision-making. Its comment also stated that the exemption would undermine the intent of the Massachusetts "Lemon Law" that disputes should be resolved in 40 days. Finally, the Massachusetts Executive Office of Consumer Affairs is concerned that granting the exemption has the potential of opening the floodgates to a host of similar exemption requests that, if granted, would render the Commission's rule and state "Lemon Laws" meaningless.

The Center for Auto Safety, stated the Center opposes the exemption and notes that BBB and the National Capitol Area AUTOCAP had stated in the rulemaking proceeding for the Rule 703 that the 40-day time limit was reasonable and consistent with the time these programs resolved disputes. Therefore, CAS saw no reason to alter the Commission's earlier determination that the 40-day time limit is appropriate.

In addition, CAS alleges that the BBB in the past has failed to comply with the Commission's rule and this should preclude the granting of an exemption.

Ford's comment was essentially a request that the Ford Consumer Appeals Board Program be granted the same exemption that has been tentatively approved for BBB, Chrysler and AUTOCAP.

The Commission believes that the concerns of the Massachusetts Executive Office of Consumer Affairs and CAS about the fairness of extending the 40-day time limit to 60 days are met by the conditions the Commission has placed on the exemption. Conditions 1 and 2 allow consumers to terminate mediation before the process begins or at any time during the process and obtain a decision from the mechanism within 40 days of the date they notify the mechanism of their election to cease mediation. Therefore, under the exemption, consumers may still require that disputes be decided within the rule's original 40-day time limit by simply stating that they decline mediation when they file their complaints with the dispute resolution program.

The Commission does not share Ms. Gold's concern that granting the exemption would lead to a flood of exemption requests that would emasculate both Rule 703 and state "Lemon Laws." The exemption and its conditions were carefully drafted to preserve the consumer's right to a timely decision from the mechanism. The Commission fully expects that any future exemptions or modifications to the rule, if any, will also ensure that a mechanism's procedures are also fair to consumers.

As to CAS's assertion that BBB's exemption should be denied because of previous violations of Rule 703 alleged in the Connecticut Attorney General's report, the Commission notes that after an extensive review of BBB's Rule 703 procedures, the Connecticut Attorney General determined that the BBB arbitration program complies with Rule 703 except for two points of disagreement that are unrelated to time limits.[1] During this review process, the BBB made numerous changes to its arbitration program to insure compliance with Rule 703. All of these changes were approved by the Connecticut Attorney General's staff.

In response to Ford's request for the same exemption granted to BBB, Chrysler and AUTOCAP, the Commission has decided to tentatively grant the exemption with conditions to Ford and invite public comment on this decision.

By direction of the Commission.

Dated: July 2, 1984.

Emily H. Rock,

Secretary.

[FR Doc. 84–18409 Filed 7–11–84; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 155

[Docket No. 77P–0090]

Tomato Concentrates and Catsup; Standards of Identity; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

[1] The Connecticut Attorney General and the BBB have made a joint request for a Commission advisory opinion on issues involving the authority of the dispute settlement mechanism to award consequential damages and the need for consultation or participation by a neutral technical expert in automobile warranty disputes.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date for compliance with the final rule amending the standards of identity for tomato concentrates and catsup published in the **Federal Register** of April 17, 1984.

EFFECTIVE DATE: Compliance may have begun June 18, 1984, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1985, shall fully comply.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Center for Food Safety and Applied Nutrition (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0107.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 28, 1983 (48 FR 3946), FDA issued a final rule amending the definition section for canned vegetables, establishing a separate definition section for vegetable juices, and amending the standards of identity and establishing standards of quality and fill of container for tomato concentrates, catsup, and tomato juice. In the **Federal Register** of April 17, 1984 (49 FR 15071), FDA published a final rule further amending the standards of identity for tomato concentrates (21 CFR 155.191(a)(2) and (3)) and catsup (21 CFR 155.194(a)(1)) and confirming all other provisions of the January 28, 1983 final rule. The amendments were: (1) To provide for spices and flavoring as optional ingredients in tomato puree and to require that added spice or flavoring that characterizes tomato puree be declared as part of the name or in close proximity to the name of the food; (2) to clarify the use of the term "for remanufacturing purposes only" for the labeling of "tomato concentrate;" (3) to permit alternate methods to convey adequate directions for dilution of concentrated tomato juice in containers larger than No. 10 containers; (4) to exempt from ingredient declaration water added to adjust the final composition of tomato concentrates; (5) to provide for the use in catsup of tomato concentrate containing lemon juice, concentrated lemon juice, or safe and suitable organic acids in quantities no greater than necessary to adjust pH; and (6) to clarify that salt is an optional ingredient in catsup. The final rule provided that any person who would be adversely affected could, at any time on or before May 17, 1984, file written objections and request a hearing on the specific provisions to which there were objections. No objections or requests for a public hearing were received.

List of Subjects in 21 CFR Part 155

Canned vegetables, Food standards, Vegetables.

PART 155—CANNED VEGETABLES

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Food Safety and Applied Nutrition (21 CFR 5.61), notice is given that Part 155, as amended in the **Federal Register** of April 17, 1984 (49 FR 15071), will become effective July 1, 1985. Voluntary compliance may have begun June 18, 1984.

Dated: July 3, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84–18364 Filed 7–11–84; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340–21]

Privacy Act of 1974; Personal Privacy and Rights of Individuals Regarding Personal Records

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: The Army hereby delete exemption rules for systems of records AO225.01aDAPE and AO721.11aDAPE and amends exemption rules for systems of records AO224.05aDAIG, AO508.17aDAPE, AO509.09a DAPE, and AO720.04aDAPE.

EFFECTIVE DATE: August 13, 1984.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Headquarters, Department of the Army (DAAG–AMR–S), 2461 Eisenhower Avenue, Alexandria, VA 22331: telephone: 703/325–6163.

SUPPLEMENTARY INFORMATION: In FR Docs 84–16176 and 84–17271, dated June 18 and 28, 1984 respectively, the Department of the Army deleted and/or amended notices for exempted systems of records identified above. Purpose of this document is to effect agreement between the exemption rules and the notices to which they apply, in system ID and name.

Accordingly, 32 CFR Part 505.9 is amended by removing Exempted Record Systems AO225.01aDAPE and AO721.11aDAPE, and by amending the following:

a. Exempted Record System AO224.05aDAIG is re-numbered "AO224.05DAIG" and re-named: "Inspector General Action Request/Complaint Files".

b. Exempted Record System AO508.17aDAPE is re-numbered "AO509.10DAPE" and re-named "Law Enforcement: Offense Reporting System (MPMIS)".

c. Exempted Record System AO509.09aDAPE is re-numbered "AO511.05DAPE" and re-named "Traffic Law Enforcement Vehicle Registration System: MPMIS".

d. Exempted Record System AO720.04aDAPE is re-numbered "AO720.04DAPE" and re-named "Army Correctional System: Correctional Treatment Records".

List of Subjects in 32 CFR Part 505

Privacy.

PART 505—[AMENDED]

§ 505.9(b) is amended by removing Exempted Record Systems AO225.01aDAPE and AO721.11aDAPE and by revising Exempted Record Systems AO224.05aDAIG, AO508.17aDAPE, AO509.09aDAPE and AO720.04aDAPE.

§ 505.9 Exemption rules for Army systems of records.

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[b) * * *

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Exempted Record Systems

(Specific Exemptions)

ID—AO224.05DAIG.

SYSNAME—Inspector General Action Request/Complaint Files.

EXEMPTION—All portions of this system of records which fall within 5 U.S.C. 552a(k) (2) or (5) are exempt from the following provisions of Title 5 U.S.C., 552a: (c)(3), (e), (e)(4)(G), (e)(4)(H), and (f).

AUTHORITY—5 U.S.C. 552a(k) (2) and (5).

REASONS—Selected portions and/or records in this system are compiled for the purposes of enforcing civil, criminal, or military law, including Executive Orders or regulations validly adopted pursuant to law. Granting individuals access to information collected and maintained in these files could interfere with enforcement proceedings: deprive a person of a right to fair trial or an impartial adjudication or be prejudicial to the conduct of administrative action affecting rights, benefits, or privileges of individual: constitute an unwarranted invasion of

personal privacy: disclose the identity of a confidential source: non-routine investigative techniques and procedures: or endanger the life or physical safety of law enforcement personnel; violate statutes which authorize or require certain information to be withheld from the public such as trade or financial information, technical data, National Security Agency information, or information relating to inventions. Exemption from access necessarily includes exemption for the other requirements.

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Exempted Record Systems

(General Exemptions)

ID—AO509.10DAPE.

SYSNAME—Law Enforcement: Offense Reporting System (MPMIS).

EXEMPTION—All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of Title 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g).

AUTHORITY—5 U.S.C. 552a(j)(2).

REASONS—From subsection (c)(4), (d), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g) because granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations and the orderly administration of justice. Disclosure of this information could result in the concealment, alteration or destruction of evidence, the identification of offenders or alleged offenders, jeopardize the safey and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources and methods used by this component, and could result in the invasion of the privacy of individuals only incidentally related to an investigation.

From subsection (c)(3) because the release of accounting of disclosure would place the subject of an investigation on notice that he is under investigation and provide him with significant information concerning the nature of the investigation, thus resulting in a serious impediment to law enforcement investigations.

From subsection (e)(2) because in a criminal or other law enforcement investigation, the requirement that information be collected to the greatest extent practicable from the subject individual would alert the subject as to the nature or existence of the investigation and thereby present a serious impediment to effective law enforcement.

From subsection (e)(3) because compliance would constitute a serious impediment to law enforcement in that it would compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

From subsection (e)(8) because compliance with this provision would provide an impediment to law enforcement by interfering with the ability to issue warrants or subpoenas and by revealing investigative techniques, procedures, or evidence.

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Exempted Record Systems

(General Exemptions)

ID—A0511.05DAPE.

SYSNAME—Taffic Law Enforcement/ Vehicle Registration System: MPMIS.

EXEMPTION—All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of Title 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g).

AUTHORITY—5 U.S.C. 552a(j)(2).

REASONS—From subsections (c)(4), (d), (e)(4)(G), (e)(4)(H), (f), and (g) because granting individuals access to information collected and maintained by this component relating to the enforcement of laws could interfere with proper investigations and the orderly administration of justice. Disclosure of this information could result in the concealment, alteration or destruction of evidence, the identification of offenders or alleged offenders, nature and disposition of charges and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources and methods used by this component, and could result in the invasion of the privacy of individuals only incidentally related to an investigation. Exemption from access necessarily includes exemption from the other requirements.

From subsection (c)(3) because the release of accounting of disclosure would place the subject of an investigation on notice that he is under investigation and provide him with significant information concerning the nature of the investigation, thus resulting in a serious impediment to law enforcement investigations.

From subsection (e)(2) because in a criminal or other law enforcement investigation, the requirement that information be collected to the greatest extent praticable from the subject individual would alert the subject as to the nature or existence of the investigation and thereby present a serious impediment to effective law enforcement.

From subsection (e)(3) because compliance would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

From subsection (e)(8) because compliance with this provision would provide an impediment to law enforcement by interfering with the ability to issue warrants or subpoenas and by revealing investigative techniques, procedures or evidence.

* * * * *

Exempted Record Systems

(General Exemptions)

ID—A0720.04DAPE.

SYSNAME—Army Correctional System: Correctional Treatment Records.

EXEMPTION—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. 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g).

AUTHORITY—5 U.S.C. 552a(j)(2).

REASONS—Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with the orderly administration of justice. Disclosure of this information could jeopardize the safety and well-being of information sources, correctional supervisors and other confinement facility administrators. Disclosure of the information could also result in the invasion of privacy of persons who provide information used in developing individual correctional treatment programs. Further, disclosure could result in a deterioration of a prisoner's self-image and adversely affect meaningful relationships between a prisoner and his counselor or supervisor. These factors are, of course, essential to the rehabilitative process. Exemption from the remaining provisions is predicated upon the exemption from disclosure or upon the need for proper functioning of correctional programs.

* * * * *

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

July 6, 1984.

[FR Doc. 84-18339 Filed 7-11-84; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD2 84-16]

Special Local Regulations; Championship Hydroplane Boat Races

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for Miles 307.5 to 308.5, Ohio River. Marine events will be held on the dates of July 14 and 15, 1984, at Huntington, West Virginia. 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 14 and 15, 1984.

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 100.35, for the purpose of promoting the safety of life and property on the Ohio River between miles 307.5 and 308.5 during the "Championship Hydroplane Boat Races", July 14 and 15, 1984. This event will consist of high speed

outboard hydroplane races which could pose hazards to navigation in the area.

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 necessity to draft Special Regulations and provide a Coast Guard Patrol Commander were not evident until June 18, 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 BMCM W.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 § 100.35–0215 to read as follows:

§ 100.35–0215 Ohio River, miles 307.5 through 308.5.

(a) *Regulated Area.* The area between Mile 307.5 and 308.5 Ohio River is designated the regatta area, and may be closed to commercial navigation or mooring during the following dates and (local) time:

July 14, 10:00 a.m. to 7:00 p.m.
July 15, 10.00 a.m. to 7:00 p.m.

The above times represent a guideline for possible intermittent river closures not to exceed THREE (3) hours in duration each. Mariners will be afforded enough time between each closure periods to transit the area in a timely manner.

(b) *Special Local Regulations.* Vessels desiring to transit the regulated 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 of 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 necessary, 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 regatta 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 § 100.35–0215 will be effective on the following dates and times:

July 14, 10:00 a.m. to 7:00 p.m.
July 15, 10:00 a.m. to 7:00 p.m.

All times listed are local time.

(33 U.S.C. 407, 411, 1233–1236; 46 U.S.C. 2106–2107, 2302, 4308, 4311 (a) and (c), 49 U.S.C. 1655(b)(1), 33 CFR 100.35, 100.40, 100.50, 49 CFR 1.46(b), 1.46(n)(1))

Dated: June 26, 1984.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard Commander, Second Coast Guard District.

[FR Doc. 84–18454 Filed 7–11–84; 8:45 am]
BILLING CODE 4910–14–M

33 CFR Part 100

[CGD3 84–30]

Regatta; USAF "Thunderbirds" Air Show, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special Local Regulations are being adopted for the USAF "Thunderbirds" Air Show being sponsored by the New Jersey Offshore Powerboat Racing Association of Toms River, New Jersey to be held on July 17, 1984 between the hours of 1:00 p.m. and 4:00 p.m. This regulation is needed to provide for the safety of participants and spectators on navigable waters during the event.

EFFECTIVE DATE: This regulation becomes effective on July 17, 1984 at 1:00 p.m. and terminates the same day at 4:00 p.m.

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

SUPPLEMENTARY INFORMATION: On June 4, 1984 the Coast Guard published a notice of proposed rule making in the **Federal Register** for this regulation (49 FR 23076). Interested persons were requested to submit comments and no comments were received. Accordingly no changes are made to the regulation as proposed. The regulation is being made effective in less than 30 days from 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 Regulation

The July 17th USAF "Thunderbirds" Air Show is sponsored by the New Jersey Offshore Powerboat Racing Association. The U.S. Air Force Jet Aerobatic Team "Thunderbirds" will put on a demonstration over the waters off Point Pleasant Beach, N.J. The Federal Aviation Administration (FAA) requires that all vessels be kept out of the area under the flight line (show area). The Coast Guard anticipates a large spectator fleet for this event. The show center will be 161 degrees true, 730 yards from the South Manasquan Inlet Jetty Light, off of Point Pleasant Beach. In order to provide for the safety of life

and property, the Coast Guard will close the show area to all traffic during the "Thunderbirds" Air Show.

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 11034; February 26, 1979). The economic impact is expected to be minimal. 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 this regulation 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).

PART 100—[AMENDED]

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–307 to read as follows:

§ 100.35–307 USAF "Thunderbirds" Air Show, New Jersey.

(a) *Regulated Area.* Atlantic Ocean, off Point Pleasant Beach, N.J. from Spring Lake, N.J. at latitude 40 degrees 08.5 minutes N to Mantoloking, N.J. at latitude 40 degrees 02 minutes N, extending from the beach to ½ nautical mile offshore, including Manasquan Inlet.

(b) *Effective Period.* This regulation will be effective from 1:00 p.m. to 4:00 p.m. on July 17, 1984.

(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) The regulated area will be closed to all vessel traffic during the effective period. No spectator shall enter or remain in the regulated area when it is closed unless authorized by the sponsor or the Coast Guard Patrol Commander.

(3) 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.

(4) 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: July 5, 1984.

P. A. Yost,

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

[FR Doc. 84–18453 Filed 7–11–84; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD 09–84–12]

Special Local Regulations; Chicago Park District Air and Water Show

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Chicago Park District Air and Water Show. This event will be held on Lake Michigan on 13–15 July 1984. The regulations are needed to provide for the safety of life on navigable waters during the event. Special Local Regulations for this event were previously published on 21 June 1984 at 49 FR 25436, subsequently, however, the event area was moved. This rule cancels the previous rule and establishes Special Local Regulations for the new event area.

EFFECTIVE DATES: These regulations become effective on 13 July 1984 and terminate on 15 July 1984.

FOR FURTHER INFORMATION CONTACT: MSTC Cary H. Lindsay, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522–4420.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rule making procedures is unnecessary as per 5 U.S.C. 553(b)(3)(B), since this is a temporary regatta regulation. This has been an annual event for many years and no negative comments have been received concerning the holding of the event in the past. The previous rule which contains regulations for the Air and Water Show (49 FR 25436) was issued before the location of this event was changed.

Those earlier regulations are therefore cancelled and this rule is issued to provide for the safety of life and property in the area affected by the Air and Water Show.

Drafting Information

The drafters of this regulation are MSTC Cary H. Lindsay, project officer, Office of Search and Rescue and LCDR. A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The Chicago Park District Air and Water Show will be conducted in the Chicago Harbor area on 13–15 July 1984. This event will have an estimated 300 boats and many aerial events which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (LTJG Gordon Baker, Coast Guard Marine Safety Office, Chicago, IL).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by:

§ 100.35–0918 [Removed]

(1) Removing temporary § 100.35–0918; and

(2) Adding a temporary § 100.35–0912 to read as follows:

§ 100.35–0912 Lake Michigan—Chicago Harbor/Illinois.

(a) *Regulated Area.* (1) That portion of Lake Michigan from the southwest corner of the Navy Pier to the Chicago Harbor Light (LLNR 2198) north along the breakwall to the Outer Breakwall End Light (LLNR 2211) to 41 degrees 55 minutes 25 seconds North 87 degrees 35 minutes 05 seconds West to 41 degrees 55 minutes 12 seconds North at shoreline then south along shoreline to the Navy Pier.

(b) *Special Local Regulations.* (1) Regulated area above will be closed to vessel navigation or anchorage from 11:00 a.m. (local time) until 2:30 p.m. on 13 July 1984 and from 2:00 p.m. (local time) until 5:00 p.m. on 14–15 July 1984.

(2) 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 a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or vessels of the patrol, in the performance of their assigned duties.

(3) 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 signaled 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.

(33 U.S.C. 1233; 49 U.S.C. 108, 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: July 9, 1984.

B. K. Schaeffer,

Captain, U.S. Coast Guard, Chief of Staff, Ninth Coast Guard District.

[FR Doc. 84-18448 Filed 7-11-84; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD 09-84-05]

Special Local Regulations; Stroh Light Classic VI, Lake Erie

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Stroh Light Classic VI. This event will be held on 11 August 1984 at Sandusky Bay, Lake Erie. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective and terminate on 11 August 1984.

FOR FURTHER INFORMATION CONTACT: MSTC Cary H. Lindsay, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rule making procedures is unnecessary as per 5 U.S.C. 553(b)(3)(B), since this is a temporary regatta regulation. This has been an annual event for many years and no negative comments have been received concerning the holding of the event in the past.

Drafting Information

The drafters of this regulation are MSTC Cary H. Lindsay, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The Stroh Light Classic will be conducted on Sandusky Bay on 11 August 1984. This event will have an estimated 30 powerboats which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (Commanding Officer, Coast Guard Station Marblehead, OH).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35-0905 to read as follows:

§ 100.35-0905 Stroh Light Classic VI, Lake Erie.

(a) *Regulated Area:* (1) That portion of Sandusky Bay from position 41 degrees 26.9 minutes North 082 degrees 45.5 minutes West to 41 degrees 29.6 minutes North 082 degrees 48.6 minutes West to 41 degrees 30.1 minutes North 082 degrees 48.2 minutes West to 41 degrees 28.8 minutes North 082 degrees 42.7 minutes West.

(b) *Special Local Regulations:* (1) The above area will be closed to vessel navigation or anchorage from 0900 (local time) until 1400 on 11 August 1984. (2) 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. These rules shall not apply to participants in the event or vessels of the patrol in the performance of their assigned duties. (3) 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 signalled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

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

Dated: July 9, 1984.

J. R. Kirkland,

Captain, U.S. Coast Guard, Acting Commander, Ninth Coast Guard District.

[FR Doc. 84-18451 Filed 7-11-84; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD 09-84-04]

Special Local Regulations; 1984 Hydro Grand Prix, Niagara River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the 1984 Hydro Grand Prix to be held on the Niagara River, Tonawanda Channel. This event will be held on 4-5 August 1984 from 11:00 AM (EDT) until 7:00 PM. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective on 4 August 1984 and terminate on 5 August 1984.

FOR FURTHER INFORMATION CONTACT: MSTC Cary H. Lindsay, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rule making procedures is unnecessary as per 5 U.S.C. 553(b)(3)(B), since this is a temporary regatta regulation. This has been an annual event for many years and no negative comments have been received concerning the holding of the event in the past.

Drafting Information

The drafters of this regulation are MSTC Cary H. Lindsay, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The Hydro Grand Prix will be conducted on the Niagara River, Tonawanda Channel, on 4-5 August 1984. This event will have an estimated 60-80 hydroplanes which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Station, Buffalo, NY).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–0911 to read as follows:

§ 100.35–0911 1984 Hydro Grand Prix, Niagara River.

(a) *Regulated Area:* That portion of the east branch of the Niagara River, Tonawanda Channel, from the overhead cable, 1300 yards northeast of the South Grand Island Bridge, to an east-west line through Tonawanda Channel Buoy 35 (LLP 29).

(b) *Special Local Regulations:*

(1) The above area will be restricted to vessel navigation or anchorage from 11:00 AM (EDT) until 7:00 PM each day on 4–5 August 1984.

(2) The patrol of that portion of Niagara River will be under the direction of a designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels in the area before, during, and after the events for such time as he finds it necessary for the safe and orderly conduct of the events.

(3) 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 signaled 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.

(4) This section 100.35–0911 will become effective at 11:00 AM (EDT) to 7:00 PM on 4 and 5 August 1984.

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

Dated: July 9, 1984.

J. R. Kirkland,

Captain, U.S. Coast Guard, Acting Commander, Ninth Coast Guard District.

[FR Doc. 84–18449 Filed 7–11–84; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD 1–84–8R]

Special Local Regulations: Swim the Bay—Save the Bay

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the SWIM THE BAY—SAVE THE BAY. This event will be held on July 28, 1984 at 8:00 a.m. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective at 8:00 a.m., July 28, 1984 and terminate at 12:30 p.m., July 28, 1984.

FOR FURTHER INFORMATION CONTACT: LTJG T. E. Hobaica, USCG Chief Boating Standards/Affairs Branch (bc), Room 1102, First Coast Guard District, 150 Causeway Street, Boston, MA 02114 (617) 223–3607.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations. Following normal rule making procedures would have been impracticable. The application to hold the event was not received until May 17, 1984, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are LTJG T. E. Hobaica, USCG, project officer, First Coast Guard District Boating Standards/Affairs Branch and LT S. M. Krupanski, project attorney, First Coast Guard District Legal Office.

Discussion of Proposed Regulations

Save the Bay, Inc., include 100 swimmers, each accompanied by a small rowboat. The participants enter the water at Coasters Harbor Island, Newport, Rhode Island, and swim to Potter Cove, Jamestown, Rhode Island, crossing the East Passage of Narragansett Bay just north of the Newport Bridge. The purpose of this regulation is to augment the safety precautions taken by the sponsor to insure the safety of the swimmers and escort rowboats involved in this event. Severe injury to swimmers by boats in the area and swamping the small escort rowboats by wakes generated by power driven vessels in the area of this event constitute the primary threats to participants. The purpose of this regulation is to limit the distance to which non-participating vessels may approach participants and to limit the speed at which vessels may pass through the area of this marine event in order to provide for safety of life on navigable waters during this marine event.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–1–8R to read as follows:

§ 100.35–1–8R Swim the Bay—Save the Bay.

(a) Regulated Area: East Passage of Narragansett Bay, bank to bank, and bounded by the Newport Bridge, on the south, and a line drawn from Bishop Rock, Newport, Rhode Island, in position 41°31'05" N, 071°19'54" W, to Fowler Rocks, Conanicut Island, Jamestown, Rhode Island, in position 41°32'00" N, 071°21'48" W.

(b) Special Local Regulations: All vessels operating in the regulated area or in the vicinity of participants in this event shall:

(1) Approach no closer than 200 yards from any participant in this event. Participants will be swimming from Coaster's Harbor Island, Newport, Rhode Island, to Potter Cove, Jamestown, Rhode Island, and will be accompanied by a rowboat crewed by a minimum of 2 persons.

(2) Observe a maximum speed limit of five (5) knots, or "No Wake Speed", whichever is less.

(3) Exercise extreme caution when operating in this area.

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

Dated: July 5, 1984.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 84–18445 Filed 7–11–84; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD 08–84–01]

Drawbridge Operation Regulations; Plaquemine Bayou, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is adding a regulation governing the swing span bridge on State Route Spur 3066 over Plaquemine Bayou, mile 6.5, at Indian Village, Iberville Parish, Louisiana, by requiring that at least four hours advance notice of opening be given at all times. The bridge presently is required to open on signal at all times. This change is being made because of

infrequent requests for opening the draw.

This action will relieve the bridge owner of the burden of having a person constantly available to open the draw and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on August 13, 1984.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: On 17 May 1984, the Coast Guard published a proposed rule (49 FR 20866) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated 29 May 1984. In each notice interested parties were given until 2 July 1984 to submit comments. 49 FR 20866 codified the proposed rule as § 117.245(j)(1-a). The final rule has been recodified as § 117.487 to conform to the numbering system established by 49 FR 17450 dated 27 April 1984.

Drafting Information

The drafters of this rule are Perry Haynes, project officer, and Steve Crawford, project attorney, District Legal Office.

Discussion of Comments

No comments were received in response to either the **Federal Register** or the Public Notice.

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulations and non-significant 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 basis for this conclusion is that the bridge has averaged less than 30 openings per month (less than one opening per day) since 1975. These few vessels can reasonably provide four hours notice for a bridge opening by placing a collect call to the bridge owner at any time. Scheduling their arrival at the bridge at the appointed time would involve little or no additional expense to the mariners. Since the economic impact of this regulation 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 117

Bridges.

PART 117—[AMENDED]

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by recodifying existing § 117.487 as § 117.487(b), and by adding a new § 117.487(a) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.487 Plaquemine Bayou.

(a) The draw of the S3066 (Spur) bridge, mile 6.5 at Indian Village, shall open on signal if at least four hours notice is given.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(q)(3))

Dated: July 3, 1984.

T. T. Matteson,

Captain, U.S. Coast Guard, Acting Commander, Eighth Coast Guard District.

[FR Doc. 84-18455 Filed 7-11-84; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP Baltimore, MD Docket 84-06]

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

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard Captain of the Port (COTP), Baltimore, MD is establishing a Safety Zone in the Severn River, Annapolis Harbor, Maryland adjacent to Dewey Field on the grounds of the U.S. Naval Academy. This Safety Zone is intended to protect property and ensure the safety of the participants and spectators of the 1984 Olympic Soccer Quarterfinal Competition that will be conducted in Annapolis, and facilitate vessel traffic control. It will allow the COTP to strictly control access from the Severn River to Dewey Field on the grounds of the U.S. Naval Academy where the Olympic athletes will be practicing, and prevent unmanageable boating traffic congestion. This Safety Zone will be established on 12 July 1984 and terminated on 4 August 1984.

EFFECTIVE DATE: 12 July 1984 and terminates on 4 August 1984.

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

SUPPLEMENTARY INFORMATION: On 24 May 1984, the Coast Guard published a notice of proposed rule making in the **Federal Register** for this regulation (49 FR 21948). Interested persons were requested to submit comments and no comments were received.

This regulation is being made effective in less than 30 days after **Federal Register** publication. Delaying its effective date would be contrary to the public interest since immediate action is needed to protect property and ensure the safety of the participants and spectators of the 1984 Olympic Soccer Quarterfinal Competition.

Drafting Information

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

Discussion of Comments

No comments on the notice of proposed rule making were received and no changes were made in the final rule.

Economic Assessment and Certification

This regulation is considered to be nonsignificant under the Department of Transportation Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). Its economic impact is expected to be minimal since this Rule is of limited duration, limits access to only certain Port areas, will not cause delays to vessels transiting the area, and provides safety and security during a period of expected high vessel traffic congestion. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this 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 165

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

PART 165—[AMENDED]

Final Regulation

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

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

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

(b) *Regulations.* (1) In accordance with § 165.23 of this part, entry into the portion of this Safety Zone which lies within 200 yards of the U.S. Naval Academy grounds is prohibited unless authorized by the COTP Baltimore. This portion of the Safety Zone is delineated by a line beginning at a point at 38°59'05" N latitude, 076°28'40" W longitude; thence 310°T for 900 yards to a point at 38°59'21" N latitude, 076°29'06" W longitude. This portion of the Safety Zone will be marked with temporary buoys at 50 yard intervals.

(2) Vessel transit through the portion of the Safety Zone which lies to the east of the prohibited entry area is normally permitted. However, unless specifically authorized by the COTP Baltimore, no vessel within this portion of the Safety Zone may:

(i) Loiter;

(ii) Moor along the river bank; or

(iii) Anchor.

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

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

Dated: June 28, 1984.

J. C. Carlton,

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

[FR Doc. 84-18444 Filed 7-11-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAR-FRL-2627-7]

Approval and Promulgation of Implementation Plans; California State Implementation Plan (SIP) Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: Today's notice takes final action under the Clean Air Act to approve as a revision to the California State Implementation Plan (SIP), amendments to § 2253.2, Title 13 of the California Administrative Code. These amendments enhance the Lead phase down program for gasoline sold in California. Today's notice also takes final action to approve the new source review (NSR) provisions for Lead for the State of California. As a result of these two actions the California State Implementation Plan for Lead is fully approved.

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

ADDRESS: A copy of today's revision to the California State Implementation Plan (SIP) is located at:

The Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C. 20408

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95814

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Director, Air Management Division, Region 9, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, Attn: Tom Rarick, (415) 974-7641.

SUPPLEMENTARY INFORMATION: On January 3, 1984 (49 FR 78) EPA proposed approval of a draft revision to the California Lead SIP which would attain and maintain the NAAQS for Lead in Los Angeles. The SIP revision and EPA's reasons for proposing its approval were explained in the notice of proposed rulemaking cited above and will not be repeated here. The only pertinent additional information is the February 22, 1984 State submittal of a final revision to the Lead SIP consisting of amendments to Section 2253.2, Title 13 of the California Administrative code. The amendments enhance the Lead phase-down program for gasoline sold in California. In the proposed rulemaking notice EPA stated that due to a greater proportional reduction of Lead that has, and will occur in California than has occurred nationally during the 1980-1985 period, the State will be able to demonstrate attainment of the Lead NAAQS (particularly in Los Angeles) by 1985. In the February 22, 1984 submittal the State presented a statistical analysis of Lead air quality values at the Lennox monitoring site in Los Angeles County where the highest Lead concentrations in the State have been measured. The State's analysis demonstrates that with the State Lead Phase Down regulation there is a 95% probability that the NAAQS for Lead will be attained by 1984 at the Lennox station. Their analysis also showed a 98% probability of attaining the NAAQS by 1985. EPA does not at this time pass judgement on the acceptability of such a statistical analysis in demonstrating attainment of the lead standard. EPA has performed its own analysis, however, and concludes that the State will attain the lead NAAQS no later than 1985, and is therefore approving the SIP. More detailed information concerning California's modeling analysis and EPA's own analysis is contained in the revised Technical Support Document and is available for public inspection at the EPA Regional Office identified in the **"ADDRESSES"** section of this notice.

New Source Review

On May 28, 1980 (45 FR 35839) EPA proposed to disapprove the California Lead SIP with respect to the NSR requirements. Pursuant to 40 CFR 51.18, and EPA policy, the State is required to ensure that all Lead sources greater than five tons per year be analyzed to determine whether a violation of the standards for Lead will occur. All air pollution control districts in California which previously did not have adequate permitting requirements for Lead have responded to this requirement by either revising their existing NSR regulations to cover Lead, or by committing to EPA in writing that the district will prohibit the construction of any source which would interfere with the NAAQS for Lead. Written commitments have been accepted from rural attainment areas

which have no history of Lead violations.

EPA Actions

EPA is taking final action under section 110 of the Clean Air Act to approve the California Lead SIP submitted on February 22, 1984. No comments were received on EPA's proposed approval. This action will become effective 60 days from the date of this **Federal Register** notice.

EPA is also taking final action to accept as adequate the California NSR requirements for Lead. EPA's approval of the California NSR requirements for Lead is being done without prior proposal because the revisions are noncontroversial, have limited impact, and no comments are anticipated. The public should be advised that this action will also be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse comments, the approval will be withdrawn and a subsequent notice will be published. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Regulatory Process

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.) The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2))

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

Authority: Sections 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)).

List of Subjects in 40 CFR Part 52

Air Pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental Relations.

Dated: June 29, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart F—California

1. Section 52.220, is amended by adding paragraph (c) (152) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(152) Amendments to "Chapter 27—California Lead Control Strategy" were submitted on February 22, 1984 by the Governor's designee.

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[FR Doc. 84-18431 Filed 7-11-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6535

[CA-6230]

California; Withdrawal of Forest Service Land for Watershed Protection

Correction

In FR Doc. 84-12723 beginning on page 20002 in the issue of Friday, May 11, 1984, make the following corrections:

1. On page 20002, third column, fourteenth line, insert a comma after "lot 3".

2. On the same page, third column, twenty-fifth line, insert "4" between the words "to" and "inclusive".

3. On the same page, third column, twenty-ninth line, delete the "s" in the word "lots".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 49, No. 135
Thursday, July 12, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Ch. IX

[Docket No. AO 83-1]

Kiwifruit Grown in California; Recommended Decision and Opportunity To File Written Exceptions to Proposed Marketing Agreement and Order

Correction

In FR Doc. 84-17732, beginning on page 27524 in the issue of Thursday, July 5, 1984, make the following correction:

On page 27525, first column, the second word in the fourth from last line should be changed from "now" to "not".

BILLING CODE 1505-01-M

7 CFR Part 1036

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a suspension proposal to reduce the delivery requirement for supply plants regulated under the Eastern Ohio-Western Pennsylvania milk order during the months of September through November 1984. Specifically, the proposed action would reduce from 40 percent to 30 percent the portion of a supply plant's receipts that must be delivered to distributing plants to qualify the supply plant as a pool plant. The proposed action was requested by a cooperative association associated with the market. The cooperative claims that the action is needed to prevent supply plant operators from having to make uneconomic deliveries of milk during these three fall months solely for the purpose of assuring that dairy farmers who have been historically associated with the fluid market will continue to have their milk priced and pooled under the order.

DATE: Comments are due on or before July 27, 1984.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to insure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is being considered for the months of September through November 1984:

In § 1036.7(b), the provisions "not less than 40 percent during the months of September, October and November and" and "in all other months,".

All persons who want to send written data, views or arguments is connection with the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this notice in the **Federal Register.**

The comments that are received will be made available for public inspection in the Hearing Clerk's office during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed action for September through November 1984 would reduce by 10 percentage points the portion of a supply plant's receipts that must be delivered to distributing plants to qualify a supply plant as a pool plant.

The order requires a supply plant to deliver 40 percent of its receipts to distributing plants to qualify it as a pool plant during the months of September through November. In the other months the delivery requirement is 30 percent. The proposed action would reduce the delivery requirement from 40 percent to 30 percent during the months of September-November 1984.

The proposed action was requested by Milk Marketing, Inc. (MMI), a cooperative that represents a substantial number of producers who supply milk to the Eastern Ohio-Western Pennsylvania market. (The same provisions were suspended for September through November 1983 at the request of MMI.) The cooperative states that the market's supply-demand conditions are unchanged from last year. Proponent expects the supply-demand imbalance to continue through the fall of 1984. MMI contends that such a market environment could result in uneconomic movements of milk being made by supply plant operators solely to assure that producers who have been historically associated with such plants and supplying the fluid needs of this market will continue to have all of their milk priced and pooled under the order.

Therefore, it may be appropriate to reduce the aforementioned pooling requirement by suspending certain order provisions for the months of September through November 1984 to prevent uneconomic deliveries of milk.

List of Subjects in 7 CFR Part 1036

Milk marketing orders, Milk, Dairy products.

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

Signed at Washington, D.C., on: July 5, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-18411 Filed 7-11-84; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket Nos. PRM-50-32, PRM-50-32A and PRM-50-32B]

Ohio Citizens for Responsible Energy, Marvin I. Lewis, Mapleton Intervenors, Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission is denying three petitions for rulemaking requesting that the Commission amend its rules of practice to require applicants for construction permits and operating licenses for nuclear power plants to provide for design features to protect against the effects of electromagnetic pulse (EMP). The requested amendments are unnecessary for the protection of public health and safety, are contrary to sound administrative practice, and are inconsistent with the established national policy that the protection of the United States against hostile enemy acts is the responsibility of the nation's defense establishment. Based upon results of studies done by the NRC and for the NRC (Sandia National Laboratory report NUREG/CR-3069 Interaction of Electromagnetic Pulse With Commercial Nuclear Power Plant Systems) there is no reason to believe that an EMP would prevent any commercial nuclear power plant from achieving a safe shutdown condition. In addition, the rationale behind the issuance of 10 CFR 50.13, which was upheld in the U.S. Court of Appeals, was that Congress did not intend to implement legislation that would require nuclear power plants to be capable of warding off the effective of hostile enemy acts. This rationale has been reevaluated in light of the petitions and at this time the Commission finds no information to support a change in policy.

ADDRESS: Copies of correspondence and documents cited below are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Martin J. Virgilio, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, 301-492-9454.

SUPPLEMENTARY INFORMATION: Mr. Robert Alexander, on behalf of the Ohio Citizens for Responsible Energy, filed a petition for rulemaking (PRM-50-32) on March 16, 1982. Notification of the petition was placed in the **Federal Register** of June 24, 1982 (47 FR 27371).

The petitioner requested 10 CFR Part 50 be amended to read in the following manner:

1. "Section 50.13—Attacks and destructive acts by enemies of the United States; and defense activities (a) An applicant for a license to construct and operate a production or utilization facility, or for an amendment to such license, is not required, with the exception of (b) below, to provide for design features or other measures for the specific purpose of protection against the effects of (i) attacks and destructive acts, including sabotage, directed against the facility by an enemy of the United States, whether a foreign government or other person, or (ii) use of deployment of weapons incident to U.S. defense activities. (b) Such applicant must, however, provide for design features to protect against the effects of electromagnetic pulse from whatever source."

"Appendix A of Subpart 50—Criterion 4—Environmental and missile design bases. Structures, systems, and components important to safety shall be designed to accommodate the effects of and to be compatible with the environmental conditions associated with normal operation, maintenance, testing, and postulated accidents, including loss-of-coolant accidents. These structures, systems, and components shall be appropriately protected against dynamic effects of missiles, pipe whipping, and discharging fluids, that may result from equipment failures and from events and conditions outside the nuclear power unit including, but not limited to electromagnetic pulses."

The Petition PRM 50-32A

Mr. Marvin I. Lewis filed a petition for rulemaking (PRM-50-32A) which was received by NRC on August 5, 1982. Notification of the petition was placed in the **Federal Register** of November 24, 1982 (47 FR 53030).

The petitioner requested that the following sentence be added to 10 CFR Part 50, Appendix A, Criterion 13:

"Instrumentation shall be hardened to protect against electromagnetic pulse generated by a high altitude, nuclear explosion."

The Petition PRM-50-32B

Mr. Wendell H. Marshall, on behalf of the Mapleton Intervenors, filed a petition for rulemaking on August 31, 1982. Notification of the petition was placed with that of PRM-50-32A in the **Federal Register**, 47 FR 53030, November 24, 1982.

The petitioner requested that 10 CFR Part 50 be amended as follows:

"Section 50-13. Attacks and destructive acts by enemies of the United States; and defense activities.

(a) An applicant for license to construct and operate a production or utilization facility, or for an amendment to such license, is not required, with the exception of (b) below, to provide for design featues or other measures for the specific purpose of protection against the effects of (I) attacks and destructive acts, including sabotage directed against the facility by an enemy of the United States, whether foreign government or person, or (II), use of deployment of weapons incident to United States defense activities.

(b) Such applicant must, however, provide for design features to protect against the effects of electromagnetic pulse from whatever source.

The petitioner also requested that Appendix A Subpart 50 be amended to read as follows:

Criterion 4—Environmental and missile design bases. Structures, systems, and components important to safety shall be designed to accommodate the effects of and be compatible with the environmental conditions associated with normal operation, maintenance, testing and postulated accidents, including loss-of-coolant accidents. These structures, systems, and components shall be properly protected against dynamic effects of missiles, pipe whipping and discharging fluids that may result from equipment failures and from events and conditions outside the nuclear power unit including but not limited to the electromagnetic pulse.

Bases for Requests

As the basis for the requests, the OCRE petition states that when 10 CFR 50.13 was established, the effects of EMP were not known. All three petitioners state that the present regulations have a serious defect that would permit a flaw in the design of nuclear power plant safety systems, and that this flaw can be corrected "quite simply with little hardship worked upon applicants."

Request for Comments on Petitions

Notification of the filing of the three petitions was published in the **Federal Register** twice, with PRM-50-32A and PRM-50-32B sharing the same notice. This notice also reopened the comment period for PRM-50-32, and assigned January 24, 1983 as the expiration date

for the comment period applicable to all three petitions. Comments, in general, were considered for all three petitions as a whole since the petitions were nearly identical.

Of twenty-eight letters of comments received, including rebuttals by the petitioners, eighteen were opposed to the petition, ten in favor. Responses to those comments are covered in the analysis of the petitions set out below.

Five of the commenters raise the concern that EMP induced voltage/current transients in conducting materials can disrupt, damage or destroy electronic circuits and components, leading to a loss of heat removal from the core and hence meltdown. At present, the NRC staff is unaware of any data to substantiate this point. On the contrary, a study performed for the NRC by Sandia National Laboratories (NUREG/CR-3069 Interaction of Electromagnetic Pulse With Commerical Nuclear Power Plant Systems) concluded that the EMP induced signals at the components required for safe shutdown are considerably less than nominal operating levels.

The Sandia Study was performed on a sample nuclear power plant chosen from the plants currently undergoing an operating license review. Three additional plants of different design were later surveyed to assess whether the results could be applied generally. The study was limited to those systems required for safe shutdown of the nuclear plant. A "worst case" EMP threat situation was postulated. The incident plane wave embodied a bounding field intensity and an orientation relative to the plant systems so as to optimally excite every point of interaction. From the analysis of this "worst case" threat it was concluded that the diffuse fields inside seismic Class 1 or structurally equivalent buildings due to the incident EMP plane wave were negligible sources of energy, with responses of less than one volt, and a duration of approximately ten microseconds. The predicted EMP signals at the critical equipment in the sample plant were found to be substantially less than nominal operating levels. The principal source of EMP energy coupled to critical circuits in the plant was the current induced by the incident wave on external cables which penetrate into the plant buildings. Although response levels at some plants may be higher than those calculated for the sample plant (due to plant topology and cabling practice), the Sandia study found damage thresholds for the components examined high enough to preclude component failure postulating higher response levels. The summary conclusions of the Sandia study were (1) the safe shutdown capacity of the sample plant would not be disabled by an EMP event, and (2) the safe shutdown capability of nuclear power plants in general would survive the postulated EMP event.

The Sandia study used permanent damage failure as the criterion for assessing system vulnerability, that is, signal upset effects were not considered in the study. Therefore, the Sandia study conclusions do not include this consideration. However, the NRC staff conducted its own study on EMP induced signal upsets and concluded that the conclusions of the Sandia study also applied to signal upsets. The results of the Sandia and staff studies were reported to the Commission by a memorandum from W. J. Dircks (SECY-83-367, "Staff Study of Electromagnetic Pulse (EMP) Effects on Nuclear Power Plants and Discussion of Related Petitions for Rulemaking (PRM-50-32, 32A, and 32B)" dated September 6, 1983.

The NRC staff's study on EMP found that a loss of offsite power is the most probable plant upset condition that could result from an EMP event with little or no effect on the in-plant normal and emergency AC and DC power distribution systems. In plants that include design features that enhance coupling with incident EMP, (due to plant topology and cabling practice) any exposed portions of the in-plant normal and emergency AC and DC power distribution systems may experience signal upset effects. However, these effects would be limited to the exposed portions of the system and recovery is expected to be possible in a reasonably short time (10-20 minutes) depending on plant unique design features. The NRC staff's study further concluded that the reactor trip system, engineered safety features actuation system, control systems, and the control room alarm and indication systems are relatively invulnerable to EMP-induced signal upset.

The subject of cost of implementation was commented on by both supporters and opponents of the petitions. The petitions stated that implementation could be accomplished "without great expense". Eight commenters took issue with this, and in one case suggested that a cost-benefit analysis be made. In support of their claim that the cost of implementation was not great, two petitioners and one additional commenter stated that the military is presently "hardening" its equipment against the effects of EMP and that not all power plant equipment need be hardened. In addition, it was argued that solid state equipment could be replaced by vacuum tubes and relays as a means of providing protection.

No Commission regulation requires a petitioner for rulemaking to submit design details or cost information associated with proposed amendments to 10 CFR Part 50. Therefore, no estimate of the cost of implementation of hardening measures was provided in these petitions. However, a switchover from solid state devices to vacuum tubes would not be a minor undertaking. Vacuum tubes and relays have much larger power and size requirements than solid state devices. Not only would entire circuits require redesign; additional power sources and possibly new electrical equipment rooms or layouts would be required. At the minimum, long outage periods to make the modifications would be required. It should be noted that although the NRC staff does not subscribe to the view that hardening costs would be inconsequential, the conclusion that the petitions should be denied does not rest on high cost; it is based, rather, on the absence of necessity, as explained above.

The fact that the military is presently hardening its equipment against the effects of EMP is not considered relevant to this issue because the needs and resources of the military and the equipment and systems involved are not similar to those of nuclear power plants.

Ten commenters stated that revision of the Code of Federal Regulations would be contrary to the philosophy used in establishing 10 CFR 50.13, which assumes that national defense is the responsibility of the defense establishment and the risk of attack is borne by the nation as a whole. The commenters note that this philosophy was supported by the United States Court of Appeals for the District of Columbia in *Siegel* v. *AEC* (400 F. 2d 778 (D.C. Cir. 1968). Similarly, four commenters note that the effects of a nuclear power plant due to a nuclear explosion and its resultant effects would be minor compared to the nuclear detonation itself. In rebuttal, the petitioners point out that the AEC was not aware of EMP when 10 CFR 50.13 was written and that EMP may be caused by sources other than those that are military in origin.

The intent and basis for 10 CFR 50.13 were set forth in NRC's Statement of Consideration (32 FR 13445):

"The protection of the United States against hostile enemy acts is a responsibility of the nation's defense

establishment and of the various agencies having internal security functions. The power reactors which the Commission licenses are, of course, equipped with numerous features intended to assure the safety of plant employees and the public. The massive containment and other procedures and systems for rapid shutdown of the facility included in these features could serve a useful purpose in protection against the effects of enemy attacks and destructive acts, although that is not their specific purpose. One factor underlying the Commission's practice in this connection has been a recognition that reactor design features to protect against the full range of the modern arsenal of weapons are simply not practicable and that the defense and internal security capabilities of this country constitute, of necessity, the basic 'safeguards' as respects possible hostile acts by an enemy of the United States."

Though adjudicated in 1968, the decision of *Siegel* v. *AEC* is no less valid today than it was then. The court at that time agreed that the AEC need not require nuclear power plants to protect themselves from hostile acts against this country by enemies. EMP is an effect of a weapon whose use would be regarded as a hostile act. Other portions of the Commission's regulations address the physical protection and security of nuclear power plants, including 10 CFR 73.55 which specifies the requirements incumbent upon each licensee for protection against acts of sabotage. Non-hostile atmospheric explosions are banned by the Nuclear Test Ban Treaty and are exceedingly unlikely.

A truck-mounted EMP generator used by terrorists is another scenario raised by commenters. Though it may be feasible to mount the necessary equipment on several large trucks, there are complicating factors which make this scenario improbable. The staff believes, based on general knowledge of the full scale test apparatus presently in use by the military, that EMP generators are massive, costly, and technically complex. EMP fields produced are lower level and highly localized compared to those produced by a nuclear detonation. To provide a better distributed radiation pattern would require several antennas, spatially distributed around a plant, each of which would be electrically attached to the generator. The energy in a pulse would then then have to be distributed to all of the antennas, thus lowering the energy density. It would be incredible for a construction project of this nature to be accomplished all around a plant site without being detected.

In addition, no matter how improbable an accidental or non-accidental, commercial or military nuclear generated EMP, the effects are enveloped by the Sandia and staff studies and are unlikely to disable the safe shutdown capability of a nuclear power plant. Although the Sandia study did not explicitly include analysis of the effects of a terrorist generated EMP, it is the staff's judgement that such effects are enveloped by the results of the Sandia and staff studies. This judgement is based on consideration of the conservatism in the Sandia study and the substantial safety margins calculated therein.

Three commenters noted that the most likely effect of EMP would be a safe shutdown. These comments are probably based on a 1977 report by Oak Ridge National Laboratory and the premise that safety systems are designed to fail in the safe direction upon loss of power.

A number of commenters stated that the petition should be denied because not enough was known or that studies were not yet complete. With the publication of the Sandia study on EMP and completion of the NRC staff's evaluation of signal upset, there exists sufficient information upon which to base a decision.

Four commenters noted that the petitioners were using the rulemaking to delay the licensing of Perry or to obstruct nuclear power altogether. However, the petitioner was required by 10 CFR Chapter 1, Subpart H to state their grounds for and interest in the action petitioned for.

The petitioners' request that applicants for construction permits and operating licenses of nuclear power plants provide design features to protect agaisnt the effects of EMP goes against the intent of Congress, as embodied in 10 CFR 50.13, and against the decision of the U.S. Court of Appeals. Furthermore, there is no documentary evidence supporting the contention that EMP imperils the safety of nuclear power plants. The evidence on hand indicates that the requested amendments are unnecessary.

Denial

Based on the above considerations and careful consideration of the public comments received on petitions PRM–50–32, PRM–50–32A, and PRM–50–32B the Commission hereby denies the petitions for rulemaking filed by the Ohio Citizens for Responsible Energy, Marvin I. Lewis, and the Mapleton Intervenors. Copies of the petitioners for rulemaking, copies of the letters of comment, SECY paper 83–367, and the Commission's letters of denial are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of NUREG/CR 3069 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 puchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

Dated at Bethesda, MD this 22d day of June 1984.

For the Nuclear Regulation Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 84–18509 Filed 7–11–84; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 703

Trade Regulation Rule Concerning Informal Dispute Settlement Procedures

AGENCY: Federal Trade Commission.

ACTION: Invitation for public comment.

SUMMARY: The Federal Trade Commission invites written public comments on a request by the Ford Motor Company for a limited exemption from the Commission's Rule on Informal Dispute Settlement Procedures. The exemption would extend the Rule's 40-day time limit for arbitration decisions to 60 days. This extension would allow Ford to use a mediation process as part of its dispute resolution program. The Commission has tentatively decided to grant the requested exemption with conditions.

DATES: Comments will be accepted through August 13, 1984.

ADDRESS: Written comments regarding the request for a limited exemption from the Commission's Rule on Informal Dispute Settlement Procedures should be addressed to the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580. All comments should be labeled "Exemption Request-Rule on Informal Dispute Settlement Procedures."

FOR FURTHER INFORMATION CONTACT: Lemuel W. Dowdy, Federal Trade Commission, 6th Street and

Pennsylvania Avenue, NW., Washington, D.C. 20580 (202) 523–3911.

SUPPLEMENTARY INFORMATION: The Commission has given final approval to its tentative grant of a limited exemption from the Rule on Informal Dispute Resolution Procedures, 16 CFR Part 703, for the Better Business Bureau (BBB) Mediation/Arbitration Program, the Chrysler Customer Satisfaction Board and the Automotive Consumer Action Program (AUTOCAP). The exemption extends the Rule's 40-day time limit for arbitration decisions to 60 days. This extension allows these dispute resolution programs to use a mediation process as part of their dispute resolution procedures.

On February 13, 1984, the Commission published a notice in the **Federal Register** inviting comments on its tentative decision to grant the exemption. In response to the **Federal Register** notice, Ford requested that it be granted the same exemption that the Commission had tentatively granted for BBB, Chrysler and AUTOCAP.

Ford established the First Ford Consumer Appeals Board on a test basis in 1977. During the next five years, seven additional test Boards were established. In mid-1983, Ford began to establish a nationwide Consumer Appeals Board Program designed to comply with the Commission's Rule on Informal Dispute Settlement Procedures, 16 CFR Part 703. Now, the Ford program includes 30 Boards covering all 50 states.

Invitation to Comment

The Commission has tentatively decided to grant a limited exemption from Rule 703 for a two-year trial period to the Ford Consumer Appeals Board Program. The exemption is the same as that granted to the Better Business Bureau Mediation/Arbitration Program, the Chrysler Customer Satisfaction Board Program and the Automotive Consumer Action Program. The exemption would extend the Rule's time limit for arbitration decisions from 40 days to 60 days. This extension was requested to allow adequate time for a mediation process. The Commission has also tentatively decided to place the same conditions on the Ford exemption that were placed on the BBB, Chrysler and AUTOCAP exemptions:

1. Consumers are not required to participate in mediation. Consumers may terminate mediation before the process begins or at any time during the process and still obtain a decision from the mechanism.

2. Upon notification from the consumer that he or she elects to cease mediation and start the arbitration process, the mechanism shall render a decision within 40 days of such notification or within 60 days of the date the mechanism first received notification of the dispute, whichever is less.

3. The procedures required by conditions 1 and 2 shall be disclosed clearly and conspicuously to the consumer after the mechanism has received notice of the dispute and prior to beginning the mediation process.

Comments are sought on whether granting the exemption with the conditions set forth above is is appropriate.

By direction of the Commission.

Dated: July 2, 1984.

Emily H. Rock,

Secretary.

[FR Doc. 84–18408 Filed 7–11–84; 8:45 am]

BILLING CODE 6750–01–M

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Part 803

Emergency Approval of Projects by Executive Director; Addition to Regulations and Procedures for Review of Projects

AGENCY: Susquehanna River Basin Commission.

ACTION: Proposed rule.

SUMMARY: The Susquehanna River Basin Commission proposes to add a new § 803.26 to Part 803, Subpart B, authorizing the Executive Director to approve projects in certain defined emergency situations.

DATE: Comments on this proposed regulation should be submitted on or before August 13, 1984.

ADDRESS: Comments may be mailed to the Executive Director, Susquehanna River Basin Commission, 1721 N. Front St., Harrisburg, Pa. 17102–2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, Secretary, Susquehanna River Basin Commission 1721 N. Front St., Harrisburg, Pa. 17102–2391, telephone: (717) 238–0423.

SUPPLEMENTARY INFORMATION: Under existing regulations, only the Commission, which meets once a month, may approve a project under § 3.10 of the Susquehanna River Basin Compact, Pub. L. 91–575. Experience has shown, however, that some projects, such as state emergency water allocations, must be implemented immediately to protect the public welfare. The existing regulations provide no legal means to implement such emergency projects without the prior approval of the full Commission. The proposed regulation would correct this deficiency by allowing Executive Director, after careful consultation with the Chairman of the Commission and the member from the affected signatory state(s) to approve emergency projects. The proposed regulation carefuly defines the type of emergency in which the Executive Director may act and subjects his approval to later ratification by the full Commission.

List of Subjects in 18 CFR Part 803

Administrative practice and procedure, Water resources.

Proposed Regulation

Accordingly, it is hereby proposed to amend Part 803, Subpart B, of the Code of Federal Regulations by adding a new § 303.26, as set forth below.

Dated: July 5, 1984.

Richard A. Cairo,

Secretary to the Commission.

PART 803—[AMENDED]

§ 803.26 Emergency approval.

Whenever, in the judgement of the executive Director, there exists an exigent or emergency situation where delay in project review will affect adversely the public health, public welfare, protection of property or the environment, he may, after consultation with the Chairman and the member of the signatory state in which the project is located and any affected signatory state, act to approve a project on behalf of the Commission under these regulations; provided, however, that the Commission must ratify the Executive Director's action at the next regular meeting of the Commission or the said action shall be considered invalid.

[FR Doc. 84–18442 Filed 7–11–84; 8:45 am]

BILLING CODE 7040–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 102

[Docket No. 82N–0389]

Common or Usual Names for Nonstandardized Foods; Diluted Fruit or Vegetable Juice Beverages

Correction

In FR Doc. 84–14764, beginning on page 22831, in the issue of Friday, June 1, 1984, on page 22832, in the first column

thirty-first line, "one one." should read "one line."

BILLING CODE 1505-01-M

21 CFR Part 161

[Docket No. 84N-0024]

Canned Crab Meat: Termination of Consideration of the Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for canned crab meat based on the Codex Alimentarius Commission Standard for Canned Crab Meat (Codex Standard No. CAC/RS 90-1976) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for this food.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Center for Food Safety and Applied Nutrition (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0101.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 1, 1984 (49 FR 7584), FDA published an advance notice of proposed rulemaking which offered interested persons an opportunity to review the Codex standard and to comment on the desirability of and need for a U.S. standard for canned crab meat. The Codex standard was submitted to the United States for consideration of acceptance by the Joint Food and Agriculture Organization/World Health Organization's Codex Alimentarius Commission.

One comment was received in response to the advance notice of proposed rulemaking. The comment stated that the maximum level of use of monosodium glutamate (MSG) specified in the Codex standard, 500 milligrams/kilogram or 0.05 percent, is too low and that use levels of 0.1 to 1.0 percent are more common in U.S. foods. The comment requested that, in the event a standard of identity is proposed, it provide for the optional use of MSG within the limits of good manufacturing practices rather than a specificed limit.

Having considered the comment received, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for canned crab meat under authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for canned crab meat based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for canned crab meat upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: July 5, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-18365 Filed 7-11-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Ch. VIII

[Docket No. R-84-1184; FR-1897]

Section 8 Vouchers and Certificates; Advance Notice of rulemaking

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

ACTION: Advance notice of Rulemaking.

SUMMARY: Elsewhere in today's issue of the **Federal Register**, HUD is publishing a Notice of Funding Availability (NOFA) which establishes a rental rehabilitation component and freestanding component of the demonstration Housing Voucher Program authorized by section 8(o) of the United States Housing Act 1937; informs the public that HUD also will make funding available for Certificates under the section 8 Existing Housing (Certificate) Program for use in connection with the Rental Rehabilitation Program; and sets forth the policies and procedures for use of these Vouchers and Certificates. This Advance Notice of Rulemaking references the NOFA, and states HUD's intention to support the development of a permanent voucher program. If the demonstration program becomes a permanent program, the Department may use the substance of the NOFA as the basis for future rulemaking.

DATES: Comments due September 10, 1984.

ADDRESS: HUD invites interested persons to submit comments on the Notice of Funding Availability to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Comments should refer to the docket number and title, which are identical to the docket number and title of this Advance Notice. A copy of each set of comments submitted will be available for public inspection and copying during regular business hours at this address. Any changes made in response to comments will apply to future rounds of funding.

FOR FURTHER INFORMATION CONTACT: For Vouchers and Certificates: Madeline Hastings, Room 6124, Existing Housing Division, (202) 755-6887, or Gerald Benoit, Room 6128, Existing Housing Branch, (202) 755-5720. For the Rental Rehabilitation Program: Robert Dodge, Room 7170, (202) 755-5685, or Craig Nickerson, Room 7164, (202) 755-5970, Office of Urban Rehabilitation, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: Elsewhere in today's **Federal Register**, HUD has published a Notice of Funding Availability for a demonstration Housing Voucher program. This Advance Notice of Rulemaking is intended to inform the public that HUD continues to support permanent Housing Voucher legislation to replace the two-year demonstration program currently authorized under section 207 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181 (sec. 8(o) of the United States Housing Act of 1937).

If the Voucher Program becomes a permanent program, HUD may use today's Notice of Funding Availiability as the basis for rulemaking. In such a case, rulemaking is likely to be abbreviated. HUD may, for example, publish a rule for effect very similar in content to the Notice of Funding Availability. For this reason, commenters on today's Notice of Funding Availability should take this into account in commenting on the Notice, so that any rule on the subject matter hereafter published would have the benefit of public participation before its effectiveness.

(Sec. 7(d), Department of Housing and Urban Development Act of 1974 (42 U.S.C. 3535(d)))

Dated: July 6, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84-18359 Filed 7-11-84; 8:45 am]

BILLING CODE 4210-27-M

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 970

[Docket No. R-84-1179; FR-1892]

Public Housing Program—Demolition or Disposition of Public Housing Projects

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement new statutory provisions regarding the demolition or disposition of PHA-owned public housing projects which are subject to Annual Contributions Contracts under the United States Housing Act of 1937.

Comment due date: September 10, 1984.

ADDRESSES: Comments on rule: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication will be available for public inspection during regular business hours at the above address. Comments on the information collection requirement(s) contained in the proposed rule (which includes docket number and title) should be submitted both to the HUD Rules Docket Clerk at the above address and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for HUD.

FOR FURTHER INFORMATION CONTACT: Wayne Hunter, Office of Public and Indian Housing, Room 4118, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-6713 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 214 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181, amended the U.S. Housing Act of 1937, 42 U.S.C. 1437 (the Act) by (1) adding a new section pertaining to approval of applications by public housing agencies (PHAs) for permission to demolish or dispose of public housing projects and (2) repealing sections 6(f) and 14(f), which were formerly the governing provisions for demolition and disposition of public housing projects. The existing regulations (formerly 24 CFR Part 870) are based in part on repealed sections 6(f) and 14(f) of the Act and would be superseded by the proposed rule. The proposed regulation would implement section 214 of the 1983 Act.

The new regulations would constitute a revised Part 970 and would apply to public housing projects which are owned by PHAs (including Indian Housing Authorities) and which are subject to Annual Contributions Contracts under the Act. Section 970.2, in addition to identifying the scope of applicability of Part 970, lists circumstances under which the part would not apply: (1) PHA-owned Section 8, Section 10(c), or Section 23 leased housing; (2) demolition or disposition of property, acquired incident to the development of a public housing project, before the Date of Full Availability (DOFA) under the ACC, excluding units occupied or available for occupancy by public housing tenants before DOFA; (3) the conveyance of units in a public housing project for the purpose of providing homeownership opportunities; and (4) the leasing of dwelling or nondwelling space incident to the normal operation of the project.

Section 970.4 sets forth five general requirements for determining whether a PHA's application for demolition or for disposition may be approved. The first of these general requirements is that the application be developed in consultation with tenants of the project involved, any tenant organizations for the project, and any PHA-wide tenant organizations which would be affected by the demolition or disposition. The second general requirement is that the application be developed in consultation with the chief executive officer, or designee, of the unit of general local government with which the PHA has a cooperation agreement covering that project, in order to obtain that official's comments and recommendations on the proposed action when the action proposes to demolish or dispose of an entire project or more than ten percent of the PHA's total public housing units. The third general requirement is that the application contain a certification by the chief executive officer of the unit of general local government that the proposed activity is consistent with the applicable housing assistance plan. The fourth general requirement is that certain relocation requirements (see § 970.5) be satisfied. The fifth general requirement is that the demolition or disposition meet the requirements of the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1966, and related laws.

Section 970.5 concerns the relocation of displaced tenants to other decent, safe, sanitary and affordable housing and requires counseling and advisory services, as appropriate, for those tenants and the payment of their actual reasonable moving expenses. The Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 would not apply to the displacement caused by the demolition or disposition of public housing projects. The costs of disposition and expenses connected with relocation of tenants in projects to be disposed of can be paid out of the gross proceeds of disposition (See § 970.9). The costs of demolition and expenses connected with relocation of tenants in projects to be demolished can be included in the modernization budget under 24 CFR Part 968 where the proposed demolition is part of a modernization program (See § 970.10).

Section 970.6 sets forth the specific criteria for determining whether an application for demolition is justified. These criteria require a determination by HUD that the project is obsolete as to physical condition, location, or other factors, making it unusable for housing purposes, or no reasonable program of modifications is feasible to return the project to useful life. If the application is for demolition of only a portion of a project, HUD must determine that demolition of that portion would help to assure the useful life of the remaining portion of the project.

Section 970.7 sets forth the specific criteria for determining whether an application for disposition may be approved. Approval is subject to the Department's determination that disposition of the property is in the best interests of the tenants or the PDA because: (1) Developmental changes in the area surrounding the project adversely affect the health or safety of the tenants or the feasible operation of the project by the PGA; *or* (2) disposition will allow the acquisition, development, or rehabilitation of other properties which will be more efficiently or effectively operated as lower income housing and which will preserve the total amount of lower income housing stock available to the community; *or* (3) there are other factors justifying disposition which the Secretary determines are consistent with the best interests of the tenants and the PHA and are not inconsistent with other

provisions of the Act. For example, if a project meets the specific criteria for demolition (under § 970.6), it may be disposed of under this third criterion for disposition; however, HUD may impose conditions such as the requirement of demolition of the project after it is disposed of to assure abatement of a health or safety hazard. To obtain approval for disposition of property other than dwelling units, the property must be determined to be excess to the needs of the project after DOFA (see § 970.2(b)) or the disposition must be incidental to, or not interfere with, continued operation of the project.

Section 970.8 states that written approval by HUD shall be required before the PHA may undertake any transaction involving demolition or disposition. The section also lists what documents must be included in the application for approval.

Section 970.9 pertains to the disposal of the property after disposition has been approved of by HUD. Actual reasonable costs of disposition and relocation of displaced tenants may be paid out of the gross proceeds. The net proceeds shall go first to the payment of development cost for the project and for the retirement of outstanding obligations issued to finance original development or modernization of the project, and thereafter to the provision of housing assistance for lower income families.

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 implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, SW., Washington, D.C. 20410.

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.

The information collection requirement(s) contained in this rule has (have) been submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**.

Under 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 the Department does not expect that a substantial number of PHAs will submit requests for demolition or disposition. In addition, this rule would not significantly increase or decrease the administrative burden to PHAs in connection with applications for demolition or disposition.

This rule is listed in the Department's semiannual agenda of regulations published on April 19, 1984, under Executive Order 12291 and the Regulatory Flexibility Act at 49 FR 15960 as item H–23–84.

The Catalog of Federal Domestic Assistance program numbers are 14.146, 14.147, and 14.158.

List of Subjects in 24 CFR Part 970

Public housing.

Accordingly, 24 CFR Part 970 is revised to read as follows:

PART 970—PUBLIC HOUSING PROGRAM—DEMOLITION OR DISPOSITION OF PUBLIC HOUSING PROJECTS

Sec.

Authority: Section 18, United States Housing Act of 1937, 42 U.S.C. 1437p; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

§ 970.1 Purpose.

This part sets forth requirements for HUD approval of a public housing agency's application for demolition or disposition (in whole or in part) of public housing projects assisted under the United States Housing Act of 1937.

§ 970.2 Applicability.

This part applies to public housing projects that are owned by public housing agencies (PHAs) (including Indian Housing Authorities) and that are subject to Annual Contributions Contracts (ACCs) under the Act. This part does not apply to the following:

(a) PHA-owned section 8, section 10(c) or section 23 leased housing;

(b) Demolition or disposition of property acquired incident to the development of a public housing project before the Date of Full Availability (DOFA) under the ACC (however, this exception shall not apply to units occupied or available for occupancy by public housing tenants before DOFA);

(c) The conveyance of public housing for the purpose of providing homeownership opportunities for lower income families under the Act;

(d) The leasing of dwelling or nondwelling space incident to the normal operation of the project for public housing purposes, as permitted by the ACC.

§ 970.3 Definitions.

"Act" means the United States Housing Act of 1937.

"Demolition" means the razing, in whole or in part, of one or more permanent buildings of a public housing project.

"Disposition" means the conveyance of other transfer by the PHA, by sale or other transaction, of any interest in the real estate of a public housing project.

§ 970.4 General Requirements for Approval of Applications for Demolition or Disposition.

HUD will not approve an application for demolition or disposition unless:

(a) The application has been developed in consultation with tenants of the project involved, any tenant organizations for the project, and any PHA-wide tenant organizations which will be affected by the demolition or disposition;

(b) In the case of demolition or disposition of an entire project, or of more than ten percent of the PHA's total public housing units, the application has been developed in consultation with the chief executive officer, or designee, of the unit of general local government with which the PHA has a cooperation

agreement in accordance with 24 CFR 941.201 covering that project;

(c) The application contains a certification by the chief executive officer (as defined in 24 CFR 991.102) of the unit of general local government that the proposed activity is consistent with the applicable housing assistance plan;

(d) Relocation requirements of § 970.5 are satisfied; and

(e) Demolition or disposition will meet the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4332, the National Historic Preservation Act of 1966, 16 U.S.C. 469, and related laws, as stated in the Department's regulations at 24 CFR Part 50.

§ 970.5 Relocation of displaced tenants on a nondiscriminatory basis.

(a) Tenants who are to be displaced as a result of demolition or disposition shall be given assistance by the PHA in relocating to other decent, safe, sanitary and affordable housing, which is, to the maximum extent practicable, housing of their choice, on a nondiscriminatory basis, without regard to race, color, national origin, handicap, age or sex in compliance with applicable Federal and State laws. Relocation may be to other publicly assisted housing, including housing assisted under sections 8 of the Act.

(b) Assistance to displaced tenants shall include, as appropriate, counseling and advisory services, assistance in finding other suitable housing, and payment of actual, reasonable moving costs. Tenants to be displaced become eligible for assistance as of the date of receipt of an official notice to move. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 does not apply to displacement as a result of the activities covered by this Part.

§ 970.6 Specific criteria for approval of demolition requests.

In addition to other applicable requirements of this part, HUD will not approve an application for demolition unless it determines that one of the following criteria is met:

(a) The project, or portion of the project, is obsolete as to physical condition, location, or other factors, making it unusable for housing purposes.

(1) Major problems indicative of obsolescence as to physical condition include such factors as project density (needs for open space for recreation, parking, or other purposes), structural deficiencies, and other design or site problems (e.g. severe erosion or flooding).

(2) Major problems indicative of obsolescence as to location include physical deterioration of the neighborhood, change from residential to industrial or commercial development, or environmental conditions which jeopardize the suitability of the site for residential use.

(3) Other factors HUD will consider indicative of obsolescence are those not discussed above which have seriously affected the marketability or management of the property.

(b) No reasonable program of modifications, in keeping with the Comprehensive Improvement Assistance Program (CIAP) regulations in 24 CFR Part 968, is feasible at reasonable cost to return the project or portion of the project to useful life.

(c) In the case of demolition of only a portion of a project, the demolition will help to assure the useful life of the remaining portion of the project.

§ 970.7 Specific criteria for approval of disposition requests.

(a) In addition to other applicable requirements of this part, HUD will not approve a request for disposition unless HUD determines that disposition is in the best interests of the tenants or the PHA because one of the following criteria is met:

(1) Developmental changes in the area surrounding the project (e.g. density, industrial or commercial development) adversely affect the health or safety of the tenants or the feasible operation of the project by the PHA.

(2) Disposition will allow the acquisition, development or rehabilitation of other properties that will be more efficiently or effectively operated as lower income housing projects and that will preserve the total amount of lower income housing stock available to the community. Dwelling units eliminated by disposition under this criteria shall be offset by units to be added to the available local inventory of lower-income housing. Such additional units may be provided under the Public Housing Program or any other program, by new construction or rehabilitation (including modernization of existing, vacant public housing under CIAP), or by additional housing assistance payments under Federal, State, or local program (e.g., additional certificates or vouchers under Section 8 or other provisions of the Act). A PHA must be able to demonstrate to the satisfaction of HUD that the additional units are being provided in connection with the disposition of the property.

(3) There are other factors justifying disposition which the Secretary determines are consistent with the best interests of the tenants and the PHA and that are not inconsistent with other provisions of the Act. If a project meets the criteria for demolition under § 970.6, it may be diposed of under this criterion of this section subject to conditions that HUD may impose (e.g., demolition to follow disposition to assure abatement of a threat to safety or health).

(b) In the case of disposition of property other than dwelling units, such property is determined by HUD to be: (1) Excess to the needs of the project (after DOFA) or (2) the disposition of such property is incidental to or does not interfere with continued operation of the remaining portion of the project.

§ 970.8 PHA application for HUD approval.

Written approval by HUD shall be required before the PHA may undertake any transaction involving demolition or disposition. To request such approval, the PHA shall submit an application to the appropriate HUD Field Office. In preparing the application, the PHA should consult the appropriate HUD Field Office for guidance on the essential elements of the application. The application shall include:

(a) A description of the property involved;

(b) The Debt Service Completion Date for the project [(See 24 CFR 969.103(a)(1))];

(c) The estimated balance of project debt, under the ACC, for development and modernization;

(d) A description of, as well as a timetable for, the specific action proposed (including, in the case of disposition, the specific method proposed);

(e) In the case of disposition, an estimate of the fair market value of the property (established on the basis of two independent appraisals, unless otherwise approved by HUD) and estimates of the gross and net proceeds expected to be realized, with an itemization of estimated costs to be paid out of gross proceeds and the proposed use of any net proceeds in accordance with § 970.9;

(f) A statement justifying the proposed demolition or disposition under the applicable criteria of § 970.6 or § 970.7. (This statement may be supported by determinations made in connection with

the screening of CIAP Preliminary Applications under 24 CFR Part 968);

(g) If applicable, a plan for the relocation of tenants who would be displaced by the proposed demolition or disposition (see § 970.5). The relocation plan must at least indicate:

(1) The number of tenants to be displaced;

(2) What counseling and advisory services the PHA plans to provide;

(3) What housing resources are expected to be available to rehouse displaced tenants;

(4) An estimate of the costs for counseling and advisory services and tenant moving expenses, and the expected source for payment of these costs (see §§ 970.9 and 970.10); and

(5) The minimum official notice that the PHA will give tenants before they are required to move;

(h) A description of the PHA's consultations with tenants and any tenant organizations (as required under § 970.4(a)), with copies of any written comments which may have been submitted to the PHA and the PHA's evaluation of the comments;

(i) A statement by the chief executive officer, or designee, of the unit of general local government with which the PHA has a cooperation agreement covering that project, indicating that official's comments and recommendations on the proposal, if required under § 970.4(b);

(j) A certification by the chief executive officer of the unit of general local government that the proposed demolition or disposition is consistent with the applicable housing assistance plan;

(k) A copy of a resolution of the PHA's Board of Commissioners, approving the application; and

(l) If determined to be necessary by HUD, an opinion by the PHA's legal counsel that the proposed action is consistent with applicable requirements of Federal, State, and local laws and is otherwise legally sound.

(m) Any additional information necessary or desirable to support the application and assist HUD in making determinations under this Part.

§ 970.9 Disposition of property; use of proceeds.

(a) Where HUD approves the disposition of real property of a project, in whole or in part, the PHA shall dispose of it promptly by public solicitation of bids for not less than the fair market value, unless HUD authorizes negotiated sale or sale for less than fair market value (where permitted by State law), based on commensurate public benefits to the community, the PHA and HUD justifying such an exception. Reasonable costs of disposition, and of relocation of displaced tenants allowable under § 970.5, may be paid by the PHA, out of the gross proceeds, as approved by HUD.

(b) Net proceeds shall be used for the following, subject to HUD approval:

(1) The payment of development costs for the project and for the retirement of outstanding obligations issued to finance original development or modernization of the project; and

(2) Thereafter, to the extent that any net proceeds remain after application of the proceeds in accordance with paragraph (b)(1) of this section, funds remaining will be used for the provision of housing assistance for lower income families, through such measures as modernization of lower income housing or the acquisition, development or rehabilitation of other properties to operate as lower income housing.

§ 970.10 Costs of demolition/relocation of tenants.

Where HUD has approved demolition of a project, or portion thereof, and the proposed action is part of a modernization program, the costs of demolition and of relocation of displaced tenants under § 970.5 may be included in the modernization budget under 24 CFR Part 968.

§ 970.11 Reports and records.

(a) After HUD approval of demolition or disposition of all or part of a project, the PHA shall keep the appropriate HUD field office informed of significant actions in carrying out the demolition or disposition. When demolition or disposition is completed, the PHA shall submit to the field office a report confirming such action, certifying compliance with all applicable requirements of Federal law and regulations and, in the case of disposition, accounting for the proceeds and costs of disposition.

(b) The PHA shall be responsible for keeping records on its implementation of the HUD-approved demolition or disposition, sufficient for audit of compliance with applicable requirements of Federal law and this part.

Dated: June 13, 1984.

Warren T. Lindquist,

Assistant Secretary of Public and Indian Housing.

[FR Doc. 84-18432 Filed 7-11-84; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 534; Ref: Notice No. 522]

Use of Geographic Brand Names

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Reopening of comment period.

SUMMARY: This notice reopens the comment period for Notice No. 522 (49 FR 19330, May 7, 1984). Notice No. 522 proposed a number of alternatives to the present regulation, 27 CFR 4.39(i), governing the use of geographic brand names. The comment period is being reopened due to requests by Mr. Milo Coerper of Coudert Brothers, a law firm in Washington, DC; Edward J. Wawszkiewicz, Ph.D. of the University of Illinois; and Mr. William Beauman, a consumer.

DATE: Comments must be received on or before September 14, 1984.

ADDRESS: Comments should be addressed to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385 (Notice No. 522).

FOR FURTHER INFORMATION CONTACT: Roger Bowling or Jim Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

On May 7, 1984, ATF published Notice No. 522, proposing alternatives to the present regulation, 27 CFR 4.39(i), governing the use of geographic brand names. This action was based on a petition received from the Wine Institute. Due to requests by Mr. Coerper, Dr. Wawszkiewicz, and Mr. Beauman for additional time in which the gather data and formulate their comments, ATF is reopening the comment period until September 14, 1984.

Disclosure of Comments

Written comments or suggestions may be inspected by any person at the ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC, during normal business hours.

Drafting Information

The principal author of this document is James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

This notice is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended, 27 U.S.C. 205.

Approved: July 3, 1984.

W.T. Drake,

Acting Director.

[FR Doc. 84-18460 Filed 7-11-84; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

West Virginia Permanent Regulatory Program; Review of State Program Amendment

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

ACTION: Reopening and extension of public comment period.

SUMMARY: OSM is reopening the period for review and comment on an amendment submitted by the State of West Virginia to its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Specifically, OSM is reopening the comment period to allow the public sufficient time to consider and comment on revisions submitted by West Virginia on June 18, 1984, to its proposed blaster training, examination and certification program initially submitted on January 12, 1984. The revisions are intended to address concerns raised during the review of the January 12, 1984.

DATE: Written comments not received on or before 4:00 p.m. July 27, 1984 will not necessarily be considered.

ADDRESSES: Written comments should be mailed or hand delivered to: Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, Attention: West Virginia Administrative Record—Blaster Certification, 603 Morris Street, Charleston, West Virginia 25301.

See **"SUPPLEMENTARY INFORMATON"** for addresses where copies of the West Virginia program amendment and administrative record on the West Virginia program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Charleston Field Office listed above.

FOR FURTHER INFORMATION CONTACT: Mr. John Heider, Acting Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347-7158.

SUPPLEMENTARY INFORMATION: Copies of the West Virginia program amendment, the West Virginia program and the administrative record on the West Virginia program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed, below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347-7158.

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street, N.W., Room 5124, Washington, D.C. 20240, Telephone: (202) 343-7896.

West Virginia Department of Natural Resources, Room 630, Building 3, 1800 Washington Street, East, Charleston, West Virginia 25305, Telephone: (304) 348-9160.

In addition, copies of the amendment are available for inspection and copying during regular business hours at the following locations:

Office of the Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, Morgantown, West Virginia 26505; Telephone: (304) 291-4004.

Office of the Surface Mining Reclamation and Enforcement, Beckley Area Office, 119 Appalachian Drive, Beckley, West Virginia 25801, Telephone: (304) 255-5226.

The West Virginia program was conditionally approved by the Secretary of the Interior on January 21, 1981 (46 FR 5915-5956). On January 12, 1984, the State of West Virginia submitted to OSM an amendment to its conditionally approved permanent regulatory program to implement the blaster training, examination and certification requirements of 30 CFR Part 850. On January 31, 1984, OSM announced receipt of the amendment, procedures for public comment and an opportunity for a public hearing (49 FR 3882).

The proposed amendment consisted of current surface mining law and regulations providing authority for a blaster certification and training program; proposed regulations governing the standards for certification of blasters; current mining law providing authority and procedures for withdrawal of certification and penalties; current regulations providing administrative procedures relating to appeals; current mining regulations defining proposed blaster program; current regulations specifying safety training requirement for West Virginia miners; a proposed training outline for blaster certification; a study guide for blaster certification and examination; and, a comparison of State and Federal regulations for blaster certification.

On June 18, 1984, the State submitted additional proposed regulations and other information to address certain issues raised during the review of the January 12, 1984 proposed amendment. These issues were presented to the State in letters from OSM dated March 9, April 5, and May 22, 1984 (Administrative Record Nos. WV 575, 579 and 580).

In accordance with the provisions of 30 CFR 732.15, OSM is reopening the comment period to seek comments from the public on the adequacy of the proposed revisions to determine if they are no less effective then the Federal regulations.

List of Subjects in 30 CFR Part 948

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

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

Dated: July 4, 1984.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 84-18443 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD1-84-6R]

Marine Event; Boston Light Swim

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to restrict the navigation of vessels in the proposed

swim route of the Boston Light Swim. This event will be held on September 1, 1984 at 10:15 a.m. The regulations are needed to provide for the safety of life on navigable waters during the event.

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

ADDRESS: Comments should be submitted to and will be available for examination between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, at the Office of the Commander (b), First Coast Guard District, 150 Causeway Street, Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: LTJG T. E. Hobaica, USCG, Chief, Boating Standards/Affairs Branch (bc), Room 1102, First Coast Guard District, 150 Causeway Street, Boston, MA 02114, (617) 223-3607.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice [CGD 1-84-6R] 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 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 rulemaking process.

Drafting Information

The drafters of this regulation are LTJG T. E. Hobaica, USCG, project officer, First Coast Guard District Boating Standards/Affairs Branch and LT S. M. Krupanski, project attorney, First Coast Guard District Legal Office.

Discussion of Proposed Regulations

The participant in this marine event, sponsored by the New England Marathon Swimming Association, Inc., include approximately 15 swimmers, each accompanied by a power driven escort boat ranging from 13' to 30' in length. The participants begin the event at Buoy N"2", Nantasket Roads, Boston Harbor, and swim to the L-Street Bathhouse/Beach complex, South Boston, Massachusetts, passing under the Moonhead-Long Island Bridge. The purpose of this regulation is to augment the safety precautions taken by the sponsor to insure the safety of the swimmers and escort boats involved in this event. Severe injury to swimmers by boats in the area and swamping the smaller escort boats by wakes generated by power driven vessels in the area of this event consititute the primary threats to participants.

A special local regulation was issued on 2 August 1983 in support of the 1983 Boston Light Swim.

This regulation limits the distance to which non-participating vessels may approach participants and limits the speed at which vessels may pass through the area of this marine event in order to provide for the safety of life on navigable waters during this marine event.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with guidelines set out in DOT Policies and Procedures for Simplification, Analysis, and Review of regulations (DOT Order 2100.5 of 5-22-80). Its economic impact is expected to be minimal since the restriction to navigation is for only a short period of time and only affects a small portion of the harbor. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation, has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding a temporary § 100.35-1-6R to read as follows:

§ 100.35-1-6R Boston Light Swim.

(a) Regulated Area: All areas within 300 years of a line drawn from Buoy N"2", Nantasket Roads, Boston Harbor, thence to the southernmost point of Georges Island, Nantasket Roads, thence to the northernmost point of Rainsford Island, Nantasket Roads, thence to the right stantion of the Moonhead-Long Island Bridge, thence to the northern tangent to Thompson Island, thence to the L-Street Bathhouse/Beach complex, Old Harbor, South Boston, Massachusetts.

(b) Effective Period: 10:00 a.m., September 1, 1984 until 3:15 p.m., September 1, 1984 or completion of the Boston Light Swim, whichever is earlier.

(c) Special Local Regulations: All vessels operating in this area in the vicinity of participants in this event shall:

(1) Approach no closer than 200 yards from any participant in this event. Participants will be swimming from Buoy N"2", Nantasket Roads, Boston Harbor to the L-Street Bathhouse/Beach complex, South Boston, Massachusetts. Each swimmer will be accompanied by a power driven escort boat.

(2) Observe a maximum speed limit of five (5) knots, or "No Wake Speed", whichever is less.

(3) Exercise extreme caution when operating in this area.

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

Dated: July 5, 1984.

R. A. Bauman,

Rear Admiral, USCG, Commander, First Coast Guard District.

[FR Doc. 84-18446 Filed 7-11-84; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD-84-37]

Special Anchorage Area; Thames River, New London, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal by the Superintendent, U.S. Coast Guard Academy, to establish a special anchorage area just north of the causeway leading to the Academy Sailing Center at Jacobs Rock, Thames River, New London, Connecticut. During the sailing season, the Academy has insufficient dock space to accommodate all of its boats. This situation has resulted in the mooring of some boats to mooring buoys in the area now proposed to be designated as a special anchorage area. This area has been used for this purpose for the past four years. This is well away from the navigational channel and not within the normal area of recreational navigation on the Thames River due to its position directly adjacent to the Jacobs Rock causeway. The establishment of this special anchorage area should not create any safety, security or environmental hazards. The intended effect of this

action is to eliminate the requirement for displaying anchor lights by Academy and Academy-related boats, which generally use this area as an anchorage or mooring area during the sailing season.

DATES: Comments must be received on or before August 27, 1984.

ADDRESSES: Comments should be mailed to Commander (mpv-p), Third Coast Guard District, Governors Island, New York, NY 10004. The comments and other materials reference in this notice will be available for inspection and copying at the Port and Vessel Safety Branch Office, Building 301, 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: Mr. R.F. Valderrama, Ports and Waterways Specialist, Commander (mpv-p), Third Coast Guard District at (212) 668–7179.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3–84–37) 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 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 rulemaking process.

Drafting Information.

The drafters of this notice are Mr. R.F. Valderrama, Ports and Waterways Specialist, project officer for Commander (mpv-p), Third Coast Guard District, and Mrs. M.A. Arisman, project attorney, Third Coast Guard District Legal Office.

Discussion of Proposed Regulations.

This proposed Special Anchorage area will benefit and serve the sailing and sail-training program at the U.S. Coast Guard Academy (hereinafter Academy). The Academy conducts an extensive recreational and professional sail-training and racing program. Unfortunately, the Academy does not have sufficient docking facilities for all of the sailing vessels used in the sailing programs. This lack of dock space has resulted in the use of the area presently proposed for designation as a special anchorage area for several years as a mooring/anchorage area. Since the area does not have a special anchorage designation, anchor lights must be shown by all boats anchored there during hours of darkness. The lighting requirements for these vessels create maintenance problems and increase the costs of the Academy sailing program. This proposal would effectively eliminate the lighting requirements. It would also designate the Chief, Waterfront Branch, U.S. Coast Guard Academy as the Harbor Master with jurisdiction to allow the use of this area. It is anticipated that no more than 15 vessels will use the area at any given time. The area is well away from the navigable channel and is located where general navigation will not endanger or be endangered by unlighted vessels.

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. The major purpose for the proposed special anchorage area is to officially recognize the long-standing use of this area by Academy boats. Since primarily Academy or Academy-related boats will use this area, and since the location of the area is well out of the normal navigation area of the river, this proposed special anchorage area will have little or no economic impact on the general public. It will have a slight economic impact on Academy operations, since the elimination of lighting requirements for boats at anchor will slightly reduce the cost of the Academy sailing program.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulations

PART 110—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, by adding §110.52(c) and NOTE to read as follows:

§ 110.52 Thames River, New London, Conn.

* * * * *

(c) Area No. 3. An area on the westerly side of the Thames River in the vicinity of Jacobs Rock, the location of the U.S. Coast Guard Academy Sailing Center, bounded as follows: Beginning at the point on the shore where the north side of the Jacobs Rock causeway meets the western shoreline; thence northerly along the western shore of the Thames River a distance of 200 yards: thence 90°, 240 yards; thence 180°, 200 yards to the Jacobs Rock causeway; thence westerly along the causeway to the point of beginning.

Note.—The area designated by paragraph (c) of this section is principally for the use of U.S. Coast Guard Academy and Academy-related boats. Temporary floats or buoys for marking anchors may be used. The anchoring of vessels and the placing of moorings will be under the jurisdiction and at the discretion of the Chief, Waterfront Branch, U.S. Coast Guard Academy, New London, Connecticut.

(33 U.S.C. 2030, 2035 and 2071; 49 CFR 1.46; and 33 CFR 1.05–1(g))

Dated: June 22, 1984.

R. L. Johanson,

Captain, U.S. Coast Guard Acting Commander, Third Coast Guard District.

[FR Doc. 84–18456 Filed 7–11–84; 8:45 am]

BILLING CODE 4910–14–M

GENERAL SERVICES ADMINISTRATION

Federal Property Resources Service

41 CFR Part 101–47

Negotiated Sales to Public Bodies

AGENCY: Federal Property Resources Service, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to include an excess profits covenant in the Offer to Purchase and the conveyance document for all negotiated sales of surplus Federal real property to public bodies under 40 U.S.C. 484(e) (3) (H). This covenant will run with the land for 3 years from the date of conveyance. The excess profits covenant is designed to ensure that profits from the resale of Federal surplus real property which was acquired by a public body by negotiated purchase will accrue to the Federal Government.

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

ADDRESS: Written comments should be sent to the General Services Administration (DR), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Pitts, Director, Special Programs Division, Office of Real Property, Federal Property Resources Service, General Services Administration (202–535–7067).

SUPPLEMENTARY INFORMATION: An excess profits covenant, similar to that illustrated in proposed § 101–47.4908, has been used in the past in connection with negotiated sales to States, their political subdivisions, and tax supported public agencies, but has not been used in all such negotiated sales. In order to eliminate the possibility of windfall profits and establish uniformity in the terms and conditions of all such negotiated sales of surplus Federal real property, GSA proposes to include a requirement for an excess profits covenant in all negotiated sales to eligible public bodies. The excess profits covenant will run with the land for a period of 3 years. GSA has determined that this rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweight the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–47

Surplus Government Property, Government property management.

PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Accordingly, it is proposed to amend 41 CFR Part 101–47 as follows:

1. The authority citation for Part 101–47 is as follows:

Authority: Sec. 205(c). 63 Stat. 390: (40 U.S.C. 486(c)).

Subpart 101–47.3—Surplus Real Property Disposal

2. The table of contents for Part 101–47 is revised by adding one entry as follows:

101–47.4908 Excess profits covenant.

3. Section 101–47.304–9(c) is added to read as follows:

§ 101–47.304–9 Negotiated disposals.

* * * * *

(c) Negotiated sales to public bodies under 40 U.S.C. 484(e) (3) (H), will be considered only when the disposal agency has made a determination that a public benefit will result from the negotiated sale which would not be realized from a competitive sale disposal. The offer to purchase and the conveyance document concerning such negotiated sales shall contain an excess profits covenant. A standard Excess Profits Covenant for Negotiated Sales to Public Bodies is illustrated in § 101–47.4908. Appropriate modifications to the standard covenant may be made provided that its basic provisions are retained. The disposal agency shall monitor the property involved and inspect records related thereto as necessary to ensure compliance with the terms and conditions of the sale and may take any actions which it deems reasonable and prudent to recover any excess profits realized through the resale or lease of the property

4. Section 101–47.4908 is added as follows:

Subpart 101–47.49—Illustrations

§ 101–47.4908 Excess profits covenant.

Excess Profits Covenant for Negotiated Sales to Public Bodies

This covenant shall run with the land for a period of 3 years from the date of conveyance.

With respect to the property described in this deed, if any time within a 3-year period from the date of transfer of title by the Grantor, the Grantee or its successors or assigns shall sell, lease or enter into agreements to sell or lease the property, either as a single transaction or in a series of transactions, it is covenanted and agreed that all proceeds received or to be received in excess of the Grantee's or a subsequent seller's actual allowable costs will be remitted to the Grantor. In the event of a sale or lease of less than the entire property, actual allowable costs will be apportioned to the property based on a fair and reasonable determination by the Grantor.

For purposes of this covenant, the Grantee's or a subsequent seller's deductible costs shall include the purchase price of acquiring this real property and the direct costs actually incurred and paid for physical improvements on the subject property for the following:

(1) Improvements on the property which serve only that property, including road construction, storm and sanitary sewer construction, other public facilities or utility construction, building rehabilitation and demolition, landscaping, grading and other site or public improvements; and

(2) Design and engineering services with respect to the improvements described in (1) above, provided, however, that none of these costs will be deductible if defrayed by Federal grants or if used as matching funds to secure Federal grants. In order to verify compliance with the terms and conditions of this covenant, the grantee, or its successors or assigns, shall submit an annual report for each of the subsequent 3 years to the Grantor on the anniversary date of this deed. Each report will identify the property involved in the transaction, indicate the rental for any property leased, the sale price of any property resold, the purchaser and the proposed land use, and enumerate any allowable costs incurred for physical improvements on the property that would offset any profit realized. If no lease or resale has been made, the report shall so state. Failure to file timely reports will extend the operation of the covenant for an additional 1-year period for each late or omitted report. The Grantor may monitor the property involved and inspect records related thereto to ensure compliance with the terms and conditions of this covenant and may take any actions which it deems reasonable and prudent to recover any excess profits realized through the resale or lease of the property.

Dated: May 31, 1984.

Earl E. Jones,

Acting Commissioner.

[FR Doc. 84–18373 Filed 7–11–84; 8:45 am]

BILLING CODE 6820–96–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 15

Federal Acquisition Regulation (FAR); Request for Comment on Draft Proposed Change to FAR 15.7, Make-or-Buy Programs

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Request for comment on draft proposed rule.

SUMMARY: The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council are considering a change to FAR 15.704 concerning make-or-buy programs.

As currently written, the last sentence of FAR 15.704 precludes the inclusion in a make-or-buy program of items or work efforts estimated to cost less than 1 percent of the total estimated contract price. The restriction constitutes a significant change from the policy under the Defense Acquisition Regulation (DAR), which states, in DAR 3–902.2(c), "as a general guideline, the make-or-buy

program should not include items or work efforts costing less than 1 percent of the total estimated contract price of $500,000, whichever is less." The result of the change will be an immediate and unacceptable reduction in the number of items and work included in make-or-buy programs. This means that appropriate management surveillance of contractor decisionmaking in place over many years for defense systems will be curtailed.

During the development of the FAR, the revision in FAR 15.704 of the word "less" to "greater" was explained as allowing "each agency to establish set sliding scales, if necessary, to apply to low- and high-value contracts." The words, "as a rule", were added to make it clear that actual application depends on individual agency determinations.

As a result of the FAR as written, DOD and NASA must significantly change policy regarding the content of make-or-buy programs. Notwithstanding the objective of flexibility expressed during the drafting of the FAR, the 1 percent figure will control with respect to large dollar value contracts. The practical effect of this change on large dollar value contracts is that fewer items and work efforts will be included in the program. This impact was inadvertent, rather than intentional, and has resulted in potential loss of management control on defense and space contracts.

In view of the foregoing, it is proposed that the last sentence in FAR 15.704 be revised to read as follows: "As a rule, made-or-buy programs should not include items or work efforts estimated to cost less than (a) 1 percent of the total estimated contract price or (b) any minimum dollar set by the agency, whichever is less."

DATE: Any comments on the proposed revision should be submitted in writing to the FAR Secretariat at the address shown below on or before September 10, 1984 to be considered in the formulation of the final revision. FAR Case No. 84–13 must be cited in all correspondence related to this issue.

ADDRESS: Interested parties should submit comments to: General Services Administration, ATTN: FAR Secretariat (VR); 18th and F Streets, NW, Room 4041; Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Roger M. Schwartz, Director, FAR Secretariat, (202) 523–4755.

List of Subjects in 48 CFR Part 15

Government procurement.

(40 U.S.C. 486(c); Chapter 137,10 U.S.C.; and 42 U.S.C. 2453(c))

Roger M. Schwartz,

Director, FAR Secretariat.

[FR Doc. 84–18542 Filed 7–11–84; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the Pacific Fishery Management Council has submitted an amendment to the fishery management plan (FMP) for the commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California for review by the Secretary of Commerce. Comments are invited from the public on the amendment and any other documents made available.

DATE: Comments will be accepted until September 21, 1984.

ADDRESSES: Send comments to Dr. T.E. Kruse, Acting Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E. BIN C15700, Seattle, WA 98115, or Mr. E.C. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731. Copies of the amendment are available from the Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Dr. T.E. (Gene) Kruse, 206–527–6150; Mr. E.C. Fullerton, 213–548–2575; or the Pacific Fishery Management Council, 503–221–6352.

SUPPLEMENTARY INFORMATION: This amendment was prepared under the provisions of the Magnuson Fishery Conservation and Management Act. It proposes measures for managing the ocean salmon fisheries off the coasts of Washington, Oregon, and California. It provides a mechanism for setting pre-season and inseason management measures without the need for additional annual amendments of the FMP. This "framework" amendment establishes certain principles and measures that are fixed to provide a long-term fishery management system while other measures remain flexible and may be modified annually or during the fishing season, according to procedures that are specified in the amendment.

An environmental impact statement (required by the National Environmental Policy Act) and a regulatory impact review/regulatory flexibility analysis (required by Executive Order 12291 and the Regulatory Flexibility Act) are incorporated in the amendment.

Proposed regulations for this amendment will be published within 30 days.

(16 U.S.C. 1801 *et seq.*)

Joseph W. Angelovic,

Deputy Assistance Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 84–18510 Filed 7–9–84; 4:59 pm]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 49, No. 135
Thursday, July 12, 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

Soil Conservation Service

Brown Ditch RC&D Measure, Ohio; Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Brown Ditch RC&D Measure, Paulding County, Ohio.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, Federal Building, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone: (614)–469–6962.

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

This measure concerns a plan for critical area treatment on the North Hills School property. The problems include both erosion and sedimentation caused by uncontrolled surface runoff on the heavily used playground area.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to Various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert R. Shaw.

No administrative action on implementation of the proposal will be taken unitl 30 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: July 6, 1984.

James H. Richardson,

Assistant State Conservationist (ADM).

[FR Doc. 84–18485 Filed 7–11–84; 8:45 am]

BILLING CODE 3410–16–M

North Hills School RC&D Measure, Ohio; Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the North Hills School RC&D Measure, Washington County, Ohio.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, Federal Building, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone: (614) 469–6962.

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

This measure concerns a plan for critical area treatment on the North Hills School property. The problems include both erosion and sedimentation caused by uncontrolled surface runoff on the heavily used playground areas.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert R. Shaw.

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

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: July 6, 1984.

James H. Richardson,

Assistant State Conservationist (ADM).

[FR Doc. 84–18486 Filed 7–11–84; 8:45 am]

BILLING CODE 3410–16–M

West Mansfield Conservation Club RC&D Measure, Ohio; Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the West Mansfield Conservation Club RC&D Measure, Logan County, Ohio.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, Federal

Building, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone: (614) 469–6962.

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

This measure concerns a plan for critical area treatment on the North Hills School property. The problems include both erosion and sedimentation caused by uncontrolled surface runoff on the heavily used playground area.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert R. Shaw.

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

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 6, 1984.

James H. Richardson,

Assistant State Conservationist (ADM).

[FR Doc. 84–18487 Filed 7–11–84; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Industry Advisory Committee on Aviation Mobilization; Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776, U.S.C. App.) the Chairman of the Civil Aeronautics Board has renewed the CAB—Industry Advisory Committee on Aviation Mobilization for an additional period beginning July 1, 1984 and ending December 31, 1984.

The Committee's charter is unchanged. A copy has been filed with the Library of Congress, pursuant to section 9(c) of the Act.

Dated at Washington D.C., July 9, 1984.

Joseph F. Laufer,

Chairman, CAB Industry Advisory Committee on Aviation Mobilization.

[FR Doc. 84–18523 Filed 7–11–84; 8:45 am]

BILLING CODE 6320–01–M

[Order 84–7–18; Docket 42336]

Order Instituting Investigation; San Juan-Toronto/Montreal Service

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting Investigation: Order 84–7–18 Docket 42336.

SUMMARY: The Board is instituting the *San Juan-Toronto/Montreal Service Case* to select a primary and back-up carrier to provide scheduled service between San Juan, Puerto Rico and Toronto and Montreal, Canada. (Route H.1 of the U.S.-Canada Air Transport Services Agreement).

The Board intends to process this proceeding using nonoral hearing procedures. The complete text of Order 84–7–18 is available as noted below.

DATES: Applications conforming to the scope of this proceeding, and petitions for reconsideration shall be filed by July 13, 1984. Answers shall be filed by July 17, 1984. Any person may participate in this proceeding by filing a pleading with the Docket Section by the date for answers to applications; therefore, petitions for leave to intervene are not required.

ADDRESSES: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 42336, *San Jaun-Toronto/Montreal Service Case.*

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Gaynes, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5154.

SUPPLEMENTARY INFORMATION: The Complete text of Order 84–7–18 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84–7–18 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 6, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–18524 Filed 7–11–84; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Automated Manufacturing Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Automated Manufacturing Equipment Technical Advisory Committee will be held July 25, 1984, at 9:30 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue NW., Washington, D.C.

The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export control applicable to automated manufacturing equipment or technology.

Agenda

General Session—will begin with an open meeting to invite public comments with regards to existing commodity or technology controls. The commodities and technologies that fall under the responsibilities of the Committee are those relating to the following Commodity Control List (CCL) entries: 1091, 1532, 1370, 1093, 1312, 1080, 1081, 1086, 1357, 1371, 1354.

In addition the Committee also is concerned with robots, automatic industrial control systems and process controllers. Invited comments will be restricted to these or substantially related items.

In particular the Committee would like to invite public evidence of foreign available equipment (or technology) falling within the above mentioned CCL entries. Information is desired relating to equipment (or technologies) produced or available in the following country groups:

a. Proscribed countries (East Bloc Countries),

b. Non-COCOM free world countries.

Specific information is needed on:

1. Manufacturers and country of origin.

2. Product's capabilities and features.

3. Product availability, and

4. Proof of delivery of products in sufficient quantity and quality.

The Committee is generally concerned with future regulatory levels and changes needed to existing commodity or technology control level. Request specifically oriented to individual license application should not be presented at this time.

Executive Session—Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto. The

general session will be open to the public with a limited number or seats available. A Notice of Determination to close meetings or portions of meeting of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377–4217.

This meeting is called on short notice because of the obtain and consider the Committee's advice on future regu-levels and changes needed to existing commodity or technology control levels.

For further information or copies of the minutes contact Margaret A. Cornejo (202) 377–2583.

Dated: July 9, 1984.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-18475 Filed 7-11-84; 8:45 am]

BILLING CODE 3510-DT-M

[C-469-406]

Initiation of a Countervailing Duty Investigation; Oil Country Tubular Goods From Spain

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Spain of oil country tubular goods as described in the "Scope of the Investigation" section below, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of oil country tubular goods from Spain materially injure, or threaten material injury to, a U.S. industry. If our investigation proceeds normally, the ITC will make its preliminary determination on or before July 30, 1984, and we will make ours on or before September 6, 1984.

EFFECTIVE DATE: July 12, 1984.

FOR FURTHER INFORMATION CONTACT: Loc Nguyen, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377–1785.

SUPPLEMENTARY INFORMATION:

Petition

On June 13, 1984, we received a petition from the Lone Star Steel Company of Dallas, Texas, and the CF&I Steel Corporation, of Pueblo, Colorado, on behalf of the oil country tubular goods industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Spain of oil country tubular goods receive, directly or indirectly, benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry. Spain is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, Title VII of the Act applies to this investigation and an injury determination is required.

Initiation of the Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on oil country tubular goods, and we have found that the petition meets those requirements. Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Spain of oil country tubular goods, as described in the "Scope of the Investigation" section of this notice, receive benefits which constitute subsidies. If our investigation proceeds normally, we will make our preliminary determination by September 6, 1984.

Scope of the Investigation

The products covered by this investigation are "*oil country tubular goods*" (OCTG), which are hollow steel products of circular cross-section intended for use in the drilling of oil or gas. These include oil well casing, tubing, and drill pipe of carbon or alloy steel, whether welded or seamless, to either American Petroleum Institute (API) or non-API specifications (such as proprietary), as currently provided for in the *Tariff Schedules of the United States, Annotated (TSUSA)* under items 610.3216, 610.3219, 610.3233, 610.3249, 610.3252, 610.3256, 610.3258, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4957, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244. This investigation includes OCTG that are in both finished or unfinished condition.

Allegations of Subsidies

The petition lists a number of practices by the government of Spain which allegedly confer subsidies on manufacturers, procedures, or exporters in Spain of oil country tubular goods. We will initiate a countervailing duty investigation on the following allegations.

- Benefits Under Decree 699/74 and Order of May 22, 1980.
- Preferential Loans and Equity Infusions Under Law 60/1978.
- Economic Assistance Under Royal Decree 878/1981.
- Benefits Under the Privileged Circuit Exporter Credits Programs.
- Government Grants Under Aceriales.
- Warehouse Construction Loans.
- Regional Investment Incentive Programs.
- Excessive Rebate of Indirect Taxes on Exports Under the Desgravacion Fiscal a la Exportacion (DFE).
- Subsidized Steel Inputs.
- Other Subsidized Inputs.

In our final affirmative countervailing duty determination on certain carbon steel products from Spain, published on November 15, 1982 (47 FR 51438), we determined that certain programs did not confer subsidies to the companies investigated during the period calendar year 1981. Allegations concerning some of these programs are included in the current petition. Because the petition presents not new evidence or changed circumstances with respect to these programs, we will not initiate a countervailing duty investigation on the following allegations.

- Defferal of Tax and Social Security Debt Under Royal Decree 878/1981.

As stated in our November 1982 final determination, defferals of tax and social security debt are authorized in general legislation and are available on equal terms to all firms in Spain. Royal Decree 878/1981 discourages the integrated steel producers from using this general legislation.

- Exemption from Social Security Payments Resulting from Reduction of Labor Force Under Royal Decree 878/1981.

As stated in our November 1982 final determination, Royal Decree 878/1981

gives workers between the ages of 60 and 65 the option of working or of retiring with equivalent salary. For these retired workers, the company must pay the difference between their pension and working salary and must continue to pay the usual social security for these workers. The social security contribution normally paid by working employees is instead paid by the government for the retired workers. Thus, any benefit under this arrangement passes to the retiree, not to the intergrated steel company.

• Research and Development Incentives.

Petitioners allege that firms located in Spain may receive government loans covering up to 50 percent of the cost of research and development projects. Up to 90 percent of the government loan may be forgiven, with the remaining 10 percent being treated as an interest free loan. As stated in our November 1982 final determination, funding for such research and development loans is not awarded on a regional or industry-specific basis but is generally available on equal terms.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of these actions, and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by July 30, 1983, whether there is a reasonable indication that imports of oil country tubular goods from Spain materially injure, or threaten material injury, to, a U.S. industry. If its determination is negative, the investigation will terminate; otherwise, the investigation will proceed to conclusion.

Dated: July 3, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18477 Filed 7-11-84; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket No: 84-213. Applicant: Illinois State University, Normal, IL 61761. Instrument: Electron Microscope, Model EM 10CA with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: Study to determine the effect of dietary restriction and aging on the numerical density, average volume, and fine structure of heart mitochondria. Another project concerns the influence of the synthetic auxin 2,4-dichlorophenxyacetic acid (2,4-D) on the photosystem particles of chloroplast thylakoid membranes. The objective of this project is to determine the site(s) of action of 2,4-D in the chloroplast. Application received by Commissioner of Customs: June 6, 1984.

Docket No: 84-215. Applicant: Veterans Administration Medical Center, Medical Research Service, 5901 East Seventh Street, Long Beach, CA 90822. Instrument: Cylindrical Microelectrophoresis Apparatus, Model Mark I. Manufacturer: Rank Brothers Sceintific Instruments, United Kingdom. Intended use: Studies of cells, primarily peripheral blood cells, bone marrow, and spleen cells. Surface charge of cells as reflected by their electophoretic mobility is to be investigated. Application received by Commissioner of Customs: June 6, 1984.

Docket No: 84-217. Applicant: University of California, Irvine, Chemistry Department, Irvine, CA 92717. Instrument: Gas Chromatograph/Mass Spectrometer Data System, Model 7070 EHF 11-250. Manufacturer: VG Analytical Ltd., United Kingdom. Intended use: The instrument will be used in conducting the following proposed research:

(1) Stereoselective Iodocyclization and Related Reactions in Synthesis.

(2) New Methods for th Synthesis of Alkaloids.

(3) Interaction of Neurotransmitters with Receptors.

(4) Synthesis, Chemistry and Catalytic Activity of Complexes of the Lanthanide and Activide Metals in Unusual Oxidation States and Coordination Environments.

(5) Synthesis of Potential Antitumor Agents.

(6) Synthesis of New Heterocyclic Systems.

(7) Peroxy Acid Oxidation of Organosulfur Compounds.

(8) Exploratory Synthesis and Drug Design.

(9) Development of New Methods and Strategies for the Synthesis of Complex Molecules.

(10) Characterization of Organometallic Complexes.

(11) Synthesis and Chemistry of Molecules of Biological and Theoretical Interest.

Application received by Commissioner of Customs: June 6, 1984.

Docket No. 84-220. Applicant: Shriners Hospital for Crippled Children, Portland Shrine Research Unit, 3101 S.W. Sam Jackson Park Road, Portland, OR 97201. Instrument: Electron Microscope, Model EM 410LS with Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use: Study of biologic materials, specifically connective tissue components and biological tissues with respect to content of connective tissue components. Specific experiments to be conducted include: (1) Identification of the specific microlocalization of connective tissue components using an immunolocalization technique dependent upon specific monoclonal antibodies to connective tissue components, (2) routine and non-routine morphologic and pathologic investigations of connective tissues derived from patient sources, (3) evaluations of molecular lenths and dimensions by rotary shadowing techniques and evalualtion of SLS-crystallite cross-banding patterns, (4) evaluation of specific macromolecular complexes of connective tissue components and (5) evaluation of proteoglycans and glycosaminoglycans using EM techniques.

Educational purposes: Training of pre- and post-doctoral students in the techniques of electron microscopy as applied to connective tissue matrices. Application Reveived by Commissioner of Custom: June 6, 1984.

Docket No. 84-221. Applicant: Oklahoma Medical Research

Foundation, 825 N.E. 13th Street, Oklahoma City, OK 73104. Instrument: Electron Microscope, Model JEM–1200EX with Accessories. Manufacturer: Jeol Ltd., Japan. Intended use: Studies of the composition and structure of human and experimental animal biopsy specimens, isolated organelles and body fluids primarily from humans suffering from cancer, blood disorders, connective tissue disorders, heart disease, and from experimental animals in developmental studies. Educational purposes—Training of postdoctoral fellows requiring fine structural and analytical techniques in their research investigations, and use by doctoral candidates in other disciplines of the basis sciences. Application received by Commissioner of Customs: June 6, 1984.

Docket No. 84–223. Applicant: The Trustees of Columbia Univeresity, Department of Chemistry, 116th Street and Broadway/Box 20 Low Memorial Library, New York, NY 10027. Instrument: Mass Spectrometer, Model VG MM 707E. Manufacturer: VG Insturments, Inc., United Kingdom. Intended use: The instrument is to be used to carry out the following research projects:

(1) Structural studies of biologically active compounds both monomers and biopolymers, at the sub-mg level.

(2) Synthesis and Study of Novel Conjugated Systems and Other Molecules of Theoretical Interest.

(3) Biomimetic Synthetic Methods and Template Directed Reactions.

(4) Preparation and Study of Aritifical Enzymes.

(5) Analyisis of organometallic molecules.

(6) Synthesis of complex natural products and the development of new methodology for effecting certain synthetic objectives.

(7) Elucidation of novel products.

(8) Qualitative determination of isotopic ratios.

Application received by Commissioner of Customs: June 8, 1984.

Docket No. 83–343R. Applicant: Cornell University, Microbiology Department, J.A. Baker Institute, Ithaca, NY 14853. Instrument: Gammacell-40 Irradiator with Twin Caesium-137 Sources. Original notice of this resubmitted application was published in the **Federal Register** of November 21, 1983.

Docket No. 84–65R. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Instrument: Infrared Spectrometer System, Model DA3–02. Original notice of this resubmitted application was published in the **Federal Register** of March 5, 1984.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84–18476 Filed 7–11–84; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Issuance of Permit; Zoogesellschaft Osnabruck E.V.

On May 31, 1984, Notice was published in the **Federal Register** (49 FR 17795) that an application had been filed with the National Marine Fisheries Service by Zoogesellschaft Osnabruck E.V., Am Waldzoo 3/3, 4500 Osnabruck, West Germany, for a Permit to take four (4) California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that on July 5, 1984, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking to Zoogesellschaft Osnabruck E.V., subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 5, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84–18412 Filed 7–11–84; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Requesting Public Comment on Bilateral Consultations With the Government of the People's Republic of China

July 9, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective July 13, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377–4212.

Background

On May 31, 1984, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983 between the Governments of the United States and the People's Republic of China, the Government of the United States requested consultations concerning imports into the United States of apparel products in Category 359pt. (overalls, coveralls and jumpsuits in TSUSA numbers 383.5035 and 379.6410), produced or manufactured in China and exported to the United States. A summary market disruption statement concerning this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

Anyone wishing to comment or provide data or information regarding the treatment of this category under the agreement with the People's Republic of China, 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 of 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."

Pursuant to the terms of the bilateral agreement, the People's Republic of China is obligated under the consultation provision to limit its exports to the United States of these products during the indicated ninety-day periods to the following amounts:

Category	90-day level	Period
359pt.	18,276 dozen	(May 31, 1984–Aug. 28, 1984).

The People's Republic of China is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve-months following the ninety-day consultation periods to the following amounts:

Category	12-mo. level	Period
359pt.	52,905 dozen	(Aug. 29, 1984–Aug. 28, 1984).

The United States Government has decided, pending a mutually satisfactory solution, to control imports of textile products in Category 359pt. for the ninety-day period at the levels described above. The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register.**

In the event the limit established for Catergory 359pt. for the ninety-day period is exceeded, such excess amounts, if allowed to enter at the end of the restraint period shall be charged to the level (described above) defined in the agreement for the subsequent twelve-month period.

SUPPLEMENTARY INFORMATION: On December 22, 1983 a letter to the Commissioner of Customs was published in the **Federal Register** (48 FR 56626) from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1984. The notice document which preceded that letter referred to the consultation mechanism which applies to categories of textile products under the bilateral agreement, such as Catergory 359pt. which is not subject to specific ceilings and for which levels may be established during the year. In the letter published below, pursuant to the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile and apparel products in Category 359pt., produced or manufactured in the People's Republic of China and exported during the indicated ninety-day period, in excess of the designated level.

Ronald I. Levin.

Acting Chairman, Committee for the Implementation of Textile Agreements.

China—Market Statement

Category 359pt.—Cotton Coveralls, Overalls and Jumpsuits, TSUSA Nos. 379.6410 and 383.5035

May 1984.

U.S. imports of cotton coveralls, overalls and jumpsuits from China increased from 23,508 dozen in 1982 to 42,681 dozen in 1983. In addition, year ending March 1984 imports, at 46,679 dozen were 110 percent higher than the level reached in the previous twelve months. This is a sharp and substantial increase of low-priced imports which, if continued create a real threat of market disruption.

Domestic production of coveralls, overalls and jumpsuits reached 650,000 dozen in 1982 and imports totaled 173,000 dozen, contributing to an import to production ratio of 26.6 percent. The 1983 ratio can be expected to be higher since imports surged 61 percent that year to 278,000 dozen. In addition, imports for the year ending March 1984 at 353,000 dozen were 121 percent higher than during the previous twelve months.

During January-March 1984, virtually all the coveralls, overalls and jumpsuits imported from China entered under TSUSA Number 383.5035—women's, coveralls etc. China is a low-cost supplier of these garments and its duty-paid values are well below the U.S. producers prices for comparable garments.

Committee for the Implementation of Textile Agreements

July 9, 1984.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended and extended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on July 13, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 359pt.[1], produced or manufactured in the People's Republic of China and exported during the indicated ninety-day period, in excess of the following level of restraint:

Category	Ninety-day level [2]	Period
359pt.[1]	18,276 dozen	(May 31, 1984–Aug. 28, 1984).

[1] In Category 359, only TSUSA number 383.5035 and TSUSA number 379.6410.
[2] The level of restraint has not been adjusted to reflect any imports exported after May 30.

Textile products in Category 359pt.[1] which have been exported to the United States prior to the first day of the indicated ninety-day period shall not be subject to this directive.

Textile products in Category 359pt.[1] which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 14175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton, man-made fiber and wool textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Cuistoms, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,
Ronald I. Levin,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-18473 Filed 7-11-84; 8:45 am]
BILLING CODE 3510-DR-M

[1] In Category 359, only TSUSA number 383.5035 and TSUSA number 379.6410.

Import Limits for Cotton, Wool and Man-made Fiber Textile Products Produced or Manufactured in Colombia

July 9, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on July 13, 1984. For further information contact William Boyd, International Trade Specialist (202) 377–4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 1, and August 11, 1982, as amended, between the Governments of the United States and Colombia establishes specific limits for wool and man-made fiber textile products in Categories 363, 369, 433, 435, 442, 443, 444, 448, and 641, produced or manufactured in Colombia and exported during the twelve-month period which begins on July 1, 1984. It also provides consultation levels for categories, such as Categories 320, 644, 649, 652 and 666, which are not subject to specific limits and which may be adjusted during the agreement year. Accordingly, a letter from the Chairman of the Committee for Implementation of Textile Agreements to the Commissioner of Customs is published below which directs that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in the foregoing categories be limited to the designated twelve-month levels of restraint.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

July 9, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 1 and August 11, 1982, as amended, between the Governments of the United States and Colombia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on July 13, 1984, entry into the United States for consumptin and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the indicted categories, produced or manufactured in Colombia and exported during the twelve-month period which began on July 1, 1984 and extends through June 30, 1985, in excess of the following restaint limits:

Category	12-mo restraint limit
320	7,000,000 square yards.
363	3,745,000 numbers.
369	217,391 pounds.
433	7,070 dozen.
435	6,565 dozen.
442	8,080 dozen.
443	12,108 dozen.
444	4,476 dozen.
448	7,070 dozen.
641	199,339 dozen.
644	27,778 dozen.
649	145,833 dozen.
652	100,000 dozen.
666	128,205 pounds.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out this directive, entries of wool and man-made fiber textile products in Categories 320, 435, 444 and 641, produced or manufactured in Colombia, which have been exported to the United States on and after July 1, 1983 and extending through June 30, 1984 shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Entries in Categories 363, 369, 433, 442, 443, 448, 644, 649, 652, and 666 which have been exported before July 1, 1984 shall not be subject to this directive.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of July 1 and August 11, 1982, as amended, between the Governments of the United States and Colombia, which provide, in part, that: (1) Within the applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) certain consultation levels may be increased within the applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustment under the provisions of the bilateral agreement, referred to above will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Colombia and with respect to imports of cotton, wool and man-made fiber textile products from Colombia has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-18500 Filed 7-11-84; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Carters Lake, Fish and Wildlife Mitigation Feasibility Study, Georgia

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

ACTION: Notice of intent to prepare a DEIS.

SUMMARY:

1. Proposed Action

The purpose of the DEIS is to address the findings and recommendations of the Fish and Wildlife Mitigation Feasibility Study on Carters Lake, Georgia. The objective of the mitigation study is to evaluate the effects of the construction and operation of the Carters Lake project on the fish and wildlife resources and to determine the

appropriate mitigation measures. The U.S. Army Corps of Engineers project was authorized in 1945, construction initiated in 1962 and completed in 1975. The primary project purposes are hydroelectric power, flood control, and recreation. The reservoir project, which is located about 60 miles north of Atlanta, required acquisition of approximately 9,000 acres. Major land uses on the project lands are main conservation pool (3,220 acres), reregulation pool (1,030 acres), recreation, operational, and easement areas (2,330 acres), and unaffected perimeter areas (2,500 acres).

2. Alternatives

Evaluation of appropriate mitigation measures for the Carters Lake project will include alternatives in the following broad categories:

a. No action.

b. Intensive wildlife management activities on Carters Lake project lands.

c. More intensive wildlife management activities on other locally available public lands.

d. Acquisition and intensive wildlife management of separable mitigation lands.

e. Combination of the above measures.

3. Scoping Process

a. Scoping efforts to date have included coordination and meetings with the major Federal, State, and local agencies involved in the fish and wildlife mitigation process. These agencies have included the U.S. Fish and Wildlife Service, U.S. Department of Agriculture—Forest Service, Georgia Department of Natural Resources—Game and Fish Division, and North Georgia Area Planning and Development Commission. Public involvement measures will include news releases and information brochures inviting public comments. Additional public involvement will occur through the public circulation of the DEIS.

b. Significant issues relative to the mitigation study include: the appropriate resource loss evaluation methodology; location and acquisition policy of possible separable mitigation lands; impacts on local tax base; and, impacts on timber interests and residential home development.

c. In that the mitigation study and associated DEIS are being carried out pursuant to the Fish and Wildlife Coordination Act of 1958, the U.S. Fish and Wildlife Service will play a key role in the study process.

4. Scoping Meeting

At the present time, a scoping meeting is not planned.

5. DEIS Preparation

It is estimated that the DEIS will be available to the public in December 1984.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Michael J. Eubanks, U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, Alabama 36628.

Dated: June 26, 1984.

Patrick J. Kelly,

Colonel, CE, District Engineer.

[FR Doc. 84-18494 Filed 7-11-84; 8:45 am]

BILLING CODE 3710-CR-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Work in Navigable Waters of the United States; Portland General Electric Co.

Lead Agency: U.S. Army Corps of Engineers, Department of Defense.

Cooperating Agency: U.S. Coast Guard, Department of Transportation.

Action: Noice of intent to prepare a DEIS.

The Corps of Engineers, Portland District, has accepted an application for permit under section 10 of the Rivers & Harbors Act and section 404 of the Clean Water Act from Portland General Electric Company (PGE). Their proposed work includes fill on portions of Hayden Island and dredging in Columbia River, Oregon. The purpose of the work is to prepare the Hayden Island site for future marine industrial development. As part of the EIS, the effects of alternative fill, dredging and site development proposals will be evaluated.

EIS scoping will formally commence in July 1984, with the issuance of a public notice containing a draft outline of alternatives and potential effects which will be discussed in the DEIS. Federal, State, and local agencies, Indian tribes, and interested organizations and individuals will be asked to comment on the draft outline and to identify significant issues related to the effects of the alternatives. The DEIS is scheduled for public and agency review in February 1985. The final EIS is scheduled for publication in July 1985.

Address: If you have any questions or need additional information, please contact Steve Stevens, (503)221-6096 or (FTS 423-6096), U.S. Army Corps of Engineers, Natural Resources Branch, P.O. Box 2946, Portland, Oregon 97208.

Dated: July 1, 1984.

R.L. Friedenwald,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 84-18495 Filed 7-11-84; 8:45 am]

BILLING CODE 3710-CR-M

DEPARTMENT OF EDUCATION

Grants for Vocational Education Programs for Indian Tribes and Indian Organizations

AGENCY: Department of Education.

ACTION: Application Notice for Noncompeting Continuation Awards for Fiscal Year 1985.

Applications are invited for noncompeting continuation awards under the Vocational Education Program for Indian Tribes and Indian Organizations.

The authority for this program is contained in section 103(a)(B)(iii) of the Vocational Education Act of 1963 as amended by the Education Amendments of 1976, Pub. L. 94-482 (20 U.S.C. 2303).

Under this program the Secretary may award grants or contracts to Indian Tribes and Indian Organizations which are eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act of 1975, Pub. L. 93-638 (25 U.S.C. 450 note) or the Act of April 16, 1934 (25 U.S.C. 452-457).

The purpose of the awards is to provide Federal support to Indian Tribes and Indian Organizations to plan, conduct, and administer vocational education programs.

Closing Date for Transmittal of Applications

To be assured of consideration for funding, applications for noncompeting continuation awards should be mailed or hand delivered on or before September 17, 1984.

If an application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (84.101) 400 Maryland Avenue, SW., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand

Applications that are hand delivered must be taken to the 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 hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Program Information

Applications are accepted from Indian Tribes and Indian Organizations which are eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act, Pub. L. 93-638 (25 U.S.C. 450 note) or under the Act of April 16, 1934 (25 U.S.C. 452-457).

Available Funds

It is expected that approximately $6,700,000 will be available for 30 noncompeting continuation awards in Fiscal Year 1985 under the Vocational Education Program for Indian Tribes and Indian Organizations.

These estimates do not bind the Department of Education to a specific number of grants, or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Application Forms

Application forms and program information packages are expected to be ready for mailing by July 16, 1984. They may be obtained by writing to the Special Programs Branch, Office of Vocational and Adult Education, U.S. Department of Education, (Room 5052, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information package is only intended to aid applicants in applying for assistance under this program. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary urges that applicants not submit information that is not requested. (Information collection data contained in the application form has been approved by the Office of Management and Budget under OMB control number 1830-0013.)

Special Procedures

An applicant shall submit a copy of the application directly to the Bureau of Indian Affairs and the State Board for Vocational Education at the same time it submits an application to the Department of Education. The copy of the application to be sent to the Bureau of Indian Affairs should be sent to the following address: Director of Indian Education Programs, Bureau of Indian Affairs, Main Interior Building, Room 3510, 1951 Constitution Avenue, NW., Washington, D.C. 20245. A directory of the State Boards for Vocational Education in all States is included with the application package.

(Section 103(a)(1)(B)(iii); 20 U.S.C. 2303)

Applicable Regulations

Regulations applicable to this program include the following:

(a) The regulations governing the Vocational Education Program for Indian Tribes and Indian Organizations 34 CFR Part 408, 408.201-408.214; and

(b) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, and 78.

Further Information

For further information contact Harvey G. Thiel, Program Specialist, Special Programs Branch, Office of Vocational and Adult Education, Department of Education (Room 5052, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245-2774.

(20 U.S.C. 2303)

(Catalog of Federal Domestic Assistance No. 84.101, Vocational Education—Programs for Indian Tribes and Indian Organizations)

Dated: July 5, 1984.

John K. Wu,

Acting Assistant Secretary for Vocational and Adult Education.

[FR Doc. 84-18438 Filed 7-11-84; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES: August 1-2, 1984, 9:00 a.m. until conclusion of business each day.

ADDRESS: National Advisory Council on Indian Education, 425 13th Street NW., Suite 326, Washington, D.C. 20004, 202/376-8882.

FOR FURTHER INFORMATION CONTACT: Lincoln C. White, Executive Director, National Advisory Council on Indian Education, Pennsylvania Building, Suite 326, 425 13th Street NW., Washington, D.C. 20004, (202)/376-8882.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act (20 U.S.C. 1121g). The Council is established to assist the Secretary in carrying out responsibilities under section 441(a) of the Indian Education Act (Title IV of Pub. L. 92-318), through advising Congress, the Secretary of Education, the Under Secretary of Education and the Assistant Secretary of Elementary and Secondary Education with regard to programs benefiting Indian children and adults.

The meeting will be open to the public. This meeting will be held at the Council Office.

The proposed agenda includes:

(1) Review of Title IV testimony.

(2) Reports.

(3) NACIE budget—FY '84,'85, and '86.

(4) NACIE activities.

(5) Regular Council business.

Records shall be kept of all Council proceedings and are available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street NW., Washington, D.C. 20004, from the hours of 8:00 a.m. to 4:30 p.m.

Date: July 9, 1984.

Signed at Washington, D.C.

Lincoln C. White,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 84-18499 Filed 7-11-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Alan M. Frank of Livermore, California, an exclusive license to practice in the United States the invention described in U.S. Patent No. 4,409,643, entitled "Long Lifetime, Low-Intensity Light Source for Use in Nighttime Viewing of Equipment Maps and Other Writings." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will be exclusive, subject to a license and other rights retained by the U.S. Government. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(1) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention of the United States, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Department will review all written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Signed at Washington, D.C., on this 6th day of July 1984.

Theodore J. Garrish,

General Counsel.

[FR Doc. 84-18506 Filed 7-11-84; 8:45 am]

BILLING CODE 6450-01-M

Inventory of Commercial Activities

AGENCY: Department of Energy, DOE.

ACTION: Notice of DOE commercial activities scheduled for review in accordance with the OMB Circular A-76.

SUMMARY: Pursuant to the requirements of the revised OMB Circular A-76 (dated August 1983), the DOE has developed a partial inventory of its commercial activities. The listing provides the activity name, location and scheduled review date. The Department will publish from time to time additions, changes and deletions to this initial inventory of commercial activities.

FOR FURTHER INFORMATION CONTACT: Ray S. Mayfield, Chief, Management Systems Development and Evaluation Branch, Department of Energy (MA-213.2), Room 4B-194, Forrestal Building, 1000 Independence Avenue, SW., Washington D.C. 20585.

Issued in Washington D.C., July 5, 1984.

William S. Heffelfinger,

Director of Administration.

DOE INVENTORY OF COMMERCIAL ACTIVITIES

Organization and commercial activity description	Geographic location	Date of review
Assistant Secretary, Management and Administration:		
Photograph services	MD: Germantown	Aug. 1984.
ADP operations and data services.	do	Do.
Message center and ADP processing.	DC: Washington	Do.
Graphics services	do	Jan. 1986.
Do	MD: Germantown	Do.
General Counsel:		
Library operations	DC: Washington	Sept. 1984.
Patent docket control	do	Jan. 1985.
Assistant Secretary, Cong., Intergov'l. and Public Affairs:		
News clipping services	do	Sept. 1984.
Audiovisual operations	do	Oct. 1984.
Information services	do	Nov. 1984.
Office of Hearings & Appeals: Regulatory info. exam. & doc. contr.	do	Jan. 1985.
Assistant Secretary, Conservation and Renewable Energy: Correspondence management services.	do	July 1985.
Assistant Secretary, Defense Programs: Records administration activities.	MD: Germantown	May 1985.
Assistant Secretary, Nuclear Energy: Editorial services.	do	Sept. 1986.
Albuquerque Operations Office:		
Printing (non-Title 44 U.S.C.).	NM: Albuquerque	Sept. 1984.
Warehouse and supplies	do	Do.
Mail and file services	do	Do.
Plant maintenance	do	Do.
Occupational health (nursing).	do	Apr. 1985.
Museum/library operations.	do	Do.
Data preparation and control.	do	Jan. 1986.
Computer operations	do	Do.
Non-weapons data processing systems.	do	Do.
Guards	do	July 1986.

DOE INVENTORY OF COMMERCIAL ACTIVITIES—Continued

Organization and commercial activity description	Geographic location	Date of review
Chicago Operations Office:		
Computer operations	NY: New York	Jan. 1985.
Facilities support	do	Apr. 1985.
Idaho Operations Office:		
Dosim, env. sci/anal. chem. ops.	ID: Idaho Falls	Aug. 1984.
Travel services	do	Dec. 1984.
Fire prevention	do	Jan. 1986.
Oak Ridge Operations Office:		
Document accountability	TN: Oak Ridge	Aug. 1984.
Nursing services	do	Jan. 1985.
Travel services	do	Do.
Photographic services	do	Do.
Courier services	do	Oct. 1985.
Reproduction and distribution.	do	Mar. 1986.
Records holding operations.	do	Do.
Mail and messenger services.	do	Do.
San Francisco Operations Office:		
Travel assistance	CA: San Francisco.	Dec. 1984.
Vehicle operations	do	Apr. 1985.
Supply services	do	May 1985.
Bonneville Power Administration:		
Health care services	OR: Portland	Apr. 1984.
Do	WA: Vancouver	Do.
Heavy equipment and vehicle maintenance.	MT: Hot Springs	May 1984.
Do	OR: Eugene	Do.
Do	OR: North Bend	Do.
Do	OR: Redwood	Do.
Do	OR: Salem	Do.
Do	OR: The Dalles	Do.
Do	WA: Grand Coulee.	Do.
Do	WA: Kent	Do.
Do	WA: Olympia	Do.
Do	WA: Pasco	Do.
Do	WA: Snohomish	Do.
Do	WA: Spokane	Do.
Do	WA: Wenatchee	Do.
Do	WA: Vancouver	Do.
Maintenance/construction shop support.	do	Oct. 1984.
Supply and facility services.	OR: Portland	Jan. 1985.
Warehouse operations	WA: Washougal	Do.
Do	WA: Vancouver	Do.
Mail services	OR: Portland	May 1985.
Graphic services	do	Sept. 1985.
Southeastern Power Administration:		
Mail and library services	GA: Elberton	Oct. 1984.
Janitorial services	do	Oct. 1985.
Southwestern Power Administration:		
ADP support	OK: Tulsa	Oct. 1984.
Facility support	AR: Jonesboro	Feb. 1985.
Do	MO: Springfield	Do.
Do	OK: Ada	Do.
Do	OK: Muskogee	Do.
Engineering technician support.	OK: Springfield	Do.
Do	OK: Tulsa	Do.
Right-of-way management.	AR: Jonesboro	Feb. 1986.
Do	MO: Springfield	Do.
Do	OK: Ada	Do.
Do	OK: Muskogee	Do.
Mail and administrative support.	OK: Tulsa	Oct. 1986.
Western Area Power Administration:		
Fin/budget: acct and voucher processing.	CO: Golden	Aug. 1984.
Mail, word processing, file services.	AZ: Phoenix	Jun. 1985.
Do	CO Golden	Dbo.
Do	CO: Montrose	Do.
Do	ND: Bismark	Do.
Do	NV: Boulder City	Do.
Do	SD: Huron	Do.

DOE INVENTORY OF COMMERCIAL ACTIVITIES—Continued

Organization and commercial activity description	Geographic location	Date of review
Supply management/ warehouse operations.	AZ: Phoenix	Jun. 1986.
Do	CA: Sacramento	Do.
Do	CO: Lovel/Ft.	Do.
Do	CO: Montrose	Do.
Do	ND: Bismark	Do.
Do	SD: Huron	Do.
Maintenance: paint and gen. labor act.	AZ: Phoenix	Jan. 1987.
Do	CO: Loveland/Ft.	Do.
Do	CO: Montrose	Do.
Morgantown Energy Technology Center:		
Mechanical maintenance services.	WV: Morgantown	Dec. 1984.
Mechanical services	do	Do.
Electrical services	do	Do.
Testing services	do	Do.
Pittsburgh Energy Technology Center: Coal conversion, util and lab suprt servs.	PA: Pittsburgh	Do.
Office of Scientific and Technical Information:		
Computer operations	TN: Oak Ridge	Sept. 1985.
Descriptive cataloging/ compos. srvcs.	do	Jan. 1986.

[FR Doc. 84-18505 Filed 7-11-84; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP84-468-000]

Algonquin Gas Transmission Company; Algonquin LNG, Inc.; Application

July 6, 1984.

Take notice that on June 6, 1984, Algonquin Gas Transmission Company (Algonquin Gas) and Algonquin LNG, Inc. (ALNG), jointly referred to as Applicants, 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed, in Docket No. CP84-468-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authorization to reflect changes in the corporate names of, and authorizing continued service to, two existing customers, Colonial Gas Company (Colonial Gas), formerly Cape Cod Gas Company, and The Connecticut Light and Power Company (CL&P), formerly The Connecticut Gas Company, and, where applicable, to restate Mcf and wet million Btu service argeement quantities for such customers in both wet and dry million Btu bases, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicants state that both Colonial Gas and CL&P have requested that their service agreements be revised to reflect such changes of name.

Applicants state that in Docket No. CP84-279-000 Algonquin Gas was authorized, among other items, to change the corporate name for CL&P under certain of its service agreements, but that three agreements, however, were omitted and are included as part of this application.

Applicants further state the requested modifications to the effective service agreements are of a housekeeping nature and would not have a substantial effect upon either the cost of operations of Applicants or on the revenue thereby derived.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18393 Filed 7-11-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-462-000]

ANR Pipeline Co.; Application

July 6, 1984.

Take notice that on June 4, 1984, ANR Pipeline Company (Applicant), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP84-462-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Bridgeline Gas Distribution Company (Bridgeline), all as more fully set forth in the application on file with the commission and open for public inspection.

It is stated that, pursuant to a gas sales and purchase contract dated September 1, 1983, Bridgeline would purchase certain quantities of natural gas underlying High Island Area Blocks A-563 and A-564 (Blocks 563, 564), offshore Texas, from Texaco Inc. (Texaco). Aplicant states that Texaco would deliver the gas (for the account of Bridgeline) on the B production platform located in Block 563, which connects to the pipeline facilities of High Island Offshore System via a 20-inch lateral pipeline owned in part by Applicant. It is proposed that Applicant would provide a transportation service between the Block 563 production platform and either (1) an existing interconnection between the pipeline systems of Applicant and Columbia Gulf Transmission Company in St. Mary Parish, Louisiana, or (2) a proposed interconnecton with the pipeline system of Riverway Gas Pipeline Company also in St. Mary Parish, Louisiana. It is further stated that, pursuant to a transportation arrangement dated as of July 19, 1983, as modified by an amendment dated as of March 1, 1984, Applicant would receive and transport a daily quantity of up to 20,000 Mcf of natural gas (the contract demand), less 2.9 percent to compensate Applicant for its compressor fuel usage. Applicant indicates that Bridgeline would pay a monthly demand charge of $3.77 for each Mcf of contract demand, plus a commodity charge at 10.0 cents for each redelivered by Applicant for Bridgeline's account.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations

under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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. 84-18394 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-503-000]

ANR Pipeline Co.; Request Under Blanket Authorization

July 6, 1984.

Take notice that on June 20, 1984, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP84-503-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that ANR proposes to add a new delivery point to Iowa Southern Utilities Company (Iowa Southern) at Mt. Pleasant, Iowa, under the authorization issued in Docket No. CP82-480-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

ANR states its sales to Iowa Southern are made pursuant to a service agreement dated February 10, 1983, as amended. Iowa Southern has requested the new delivery point in order to provide natural gas service to a commercial and certain industrial end users in Mt. Pleasant, Iowa. It is explained that the maximum daily deliveries at the Mt. Pleasant delivery point would be 2,000 Mcf and would be within Iowa Southern's currently existing peak day and annual entitlement.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18395 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-507-000]

ANR Pipeline Co.; Application

July 6, 1984.

Take notice that on June 21, 1984, ANR Pipeline Company (Applicant), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP84-507-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a best-efforts transportation service for Indiana Glass Company (Indiana Glass), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is explained that in accordance with the terms of a gas purchase contract dated May 21, 1984, Yankee Resources, Inc. (Yankee), has agreed to sell Indiana Glass a daily quantity of natural gas equivalent to 4,500 dt which Indiana Glass would utilize at its plant in Dunkirk, Indiana. Applicant indicates that the plant is connected to the distribution system of Indiana Gas Company, Inc. (Indiana Gas), which is a resale distributor customer of Applicant.

By an agreement dated June 1, 1984, Applicant states it would transport up to 4,500 dt equivalent of natural gas per day and make redeliveries to Indiana Gas for the Account of Indiana Glass at an existing delivery point in Delaware County, Indiana. Applicant indicates that it has agreed to receive the natural gas supplies from Yankee for the account of Indiana Glass at the following well connections:

Well Designation and Location

A. K. Cox #1-7—Section 7 (T17N-R17W), Dewey County, Oklahoma
G. A. Mahler #2—Section 99, Block C, Roberts County, Texas
G. A. Mahler #3U—Section 99, Block C, Roberts County, Texas
G. A. Mahler #5L—Section 99, Block C, Roberts County, Texas
J. B. Waterfield #B-2—Section 100, Block C, Roberts County, Texas
J. B. Waterfield #C-3—Section 100, Block C, Roberts County, Texas
J. B. Waterfield #C-4—Section 105, Block C, Roberts County, Texas
Davis #1-7—Section 8 (T12N-R26W), Roger Mills County, Oklahoma
Crosswhite #1-5—Section 23 (T12N-R16W), Custer County, Oklahoma
Huckaby #1—Section 28 (T28N-R21W), Harper County, Oklahoma
Elliott #1-5—Section 5 (T28N-R29-W), Meade County, Kansas
Anthony #1—Section 30 (T10N-R8W), Grady County, Oklahoma
Bingham #1—Section 12 (T24N-R18W), Woodward County, Oklahoma

Applicant submits that redeliveries of thermally equivalent volumes would be made to Indiana Gas, at the aforementioned existing delivery point. Blanket authorization is requested to add new sources of supply as they become available. So that the Commission is fully appraised of all activities pursuant to the certificate, ANR agrees to file prospectively an amended Exhibit A to its rate schedule covering the service to Indiana Glass which will reflect the addition of all new sources connected during the previous year. It is explained that for providing the transportation service, Indiana Glass has agreed to pay Applicant 53.3 cents for each dt redelivered to Indiana Gas for its account. The term of the agreement is for a one-year period commencing from the date of initial deliveries and is automatically extendable from year to year beyond the first year, unless canceled by either Applicant or Indiana Glass by providing a 30-day prior written notice to the other, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 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. 84-18396 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP75-104-040]

High Island Offshore System; Petition for Declaratory Order

July 6, 1984.

Take notice that on June 13, 1984, High Island Offshore System (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP75-104-040 a petition pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure (18 CFR 385.207(a)(2)) for an order declaring that the outstanding certificates of public convenience and necessity issued to Petitioner do not require Petitioner to design its commodity rate on the basis of 100 percent of its currently certificated capacity, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that by order issued June 4, 1976 (55 FPC 2674) and July 30, 1976 (56 FPC 725), Petitioner was authorized to transport 988,000 Mcf of natual gas per day, on a firm basis, from offshore areas in the Gulf of Mexico. Petitioner further states that the July 30, 1976, order prescribed the methodology for deriving Petitioner's initial rates for firm service and required Petitioner to file rate schedules reflecting a demand charge designed to recover the cost of servicing the debt, as well as operating and maintenance expenses, and reflecting a commodity charge designed to recover the remaining cost of service. Petitioner submits that the Commission stated the commodity charge would be, "computed on the basis of (an) assumed 988,000 Mcf per day regardless of the volumes transported." Petitioner asserts that no provision of that order required that, if its firm capacity were increased, Petitioner would be required to design its commodity rate on the basis of an assumed full utilization of the increased capacity.

Petitioner states that on March 31, 1983, in Docket No. RP-83-69-000, it filed its second biennial cost of service study in which it sought to justify its underlying rates, effective January 1, 1983. Petitioner asserts that contentions were raised for the first time in Docket No. RP83-69-000, that Petitioner is required to design its commodity rate on the basis of 1,450,200 Mcf per day, as a result of the Commission's authorization of an increase in Petitioner's firm capacity to that level. Petitioner asserts that under this line of argument, it would be required to design the commodity rate on the basis of volumes equal to 100% of contract demand or 529.3 Bcf on an annual basis. Petitioner states that this level is significantly higher than the average volume which Petitioner's shippers estimated would be transported during the calendar year 1983 and calendar year 1984.

Petitioner asserts that the June 4, 1976, and July 30, 1976, orders show that the Commission was concerned with the proper allocation, between Petitioner and gas customers, of the risks associated with the construction and operation of a new $350 million pipeline and the adequacy of the reserves to be transported. Petitioner submits that the Commission demonstrated a strong incentive to pursue the producer dedication of gas reserves in order to justify the initial certification of the project. As a result, Petitioner asserts, the Commission specifically linked the throughput condition to an "assumed 988,000 Mcf per day." Petitioner further asserts that the Commission's rehearing order (56 FPC 730) provided that the rate structure, at the time of initial service, had limited purposes of dedication and flow of gas in interstate commerce. Petitioner states that there is no indication that the design of the commodity rate was intended to extend to projects beyond the initial certification stage.

Petitioner asserts that in the Initial Decision Granting Certificate on Condition (14 FERC ¶ 63,036 (1981)), as affirmed (16 FERC ¶ 61,074 (1981)), Petitioner was authorized to increase its firm certificated capacity to 1,450,000 Mcf per day, with the only attached condition being related to the allocation of capacity. Petitioner further asserts that on March 29, 1982, the Commission again approved a Stipulation (18 FERC ¶ 61,274 (1982)), which also contained no condition requiring Petitioner's commodity rate to be designed on the basis of the increased capacity.

Petitioner states that an attempt to extend Petitioner's original certificate condition would require Petitioner to "absorb substantial fixed costs," as occured in *Algonquin Gas Transmission Co.* v. *FPC*, 534 F.2d 952 (D.C. Cir. 1976). Petitioner asserts it could be precluded, in a proceeding under section 4 of the Natural Gas Act, from establishing a commodity capacity. Petitioner asserts that a fundamental question concerning the interplay of sections 4 and 7 of the Natural Gas Act arises and that as the *Algonquin* court states, "The Commission should not be able to defeat those rights (of covering the costs of doing business and earning a fair return on investment) indefinately by engrafting permanent rate conditions to a section 7 certificate . . ." 534 F.2d at 956.

Therefore, Petitioner asserts, irrespective of the Commission's interpretation of Petitioner's original certificate condition, the Commission is obligated to afford Petitioner the opportunity in its next compliance filing, or a filing pursuant to Section 4 of the Natural Gas Act, to present evidence as to an appropriate basis for designing its commodity rate whether on a projection of an assumed utilization of the system or otherwise.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 25 1984, file with the Federal Energy Regulatory Commission, 825 North Capital Street, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 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 petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18397 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA83-10-000]

Husky Oil Co.; Filing of Petition for Review Under 42 U.S.C. 7194

July 5, 1984.

Take notice that Husky Oil Company on June 8, 1983, filed a Petition for Review under 42 U.S.C. 7194(b) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a motion to intervene. However, any such person wishing to be a participant must file a notice of participation on or before July 25, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a motion to intervene on or before July 24, 1984, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.1005(c)).

A notice of participation or motion to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Assistant General Counsel for Regulatory Litigation, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18403 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-473-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

July 6, 1984.

Take notice that on June 8, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84-473-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove a 66 horsepower compressor unit located in Pecos County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern asserts that the Pecos County No. 1 compression station should be abandoned since it no longer performs the function for which it was originally installed and represents an inefficient and uneconomical asset. It is explained that the compressor unit was originally installed to compress gas from seven wells. It is further explained that five of the seven wells are producing oil due to depletion of gas reserves and that of the remaining two wells, only one has been determined to be producible. However, production from said well would require a smaller compressor unit to be installed which Northern has deemed to be an uneconomical alternative, it is stated. Northern notes that it has a 100 percent interest in the wells which are being operated by Moss Properties, Inc.

The estimated cost to abandon and remove the compressor unit is $18,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18398 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-496-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

July 6, 1984.

Take notice that on June 18, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84-496-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation and delivery of summer season volumes of natural gas rescheduled for winter season delivery for Iowa-Illinois Gas and Electric Company (Iowa Illinois), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that pursuant to a gas transportation and rescheduling agreement, dated April 21, 1976, among Applicant, Iowa-Illinois and Natural Gas Pipeline Company of America (Natural), Applicant transports up to 5,000 Mcf of natural gas per day during the summer season (not to exceed 100,000 Mcf per summer season) to Natural for delivery to Iowa-Illinois' liquefied natural gas facility at Rock Island County, Illinois. It is stated that Applicant delivers said volumes to Natural at Northern's

existing Glenwood exchange point in Mills County, Iowa. It is also stated that during the winter season, Applicant receives from Natural, transports and redelivers up to the volumes stored during the summer to Iowa-Illinois at its Fort Dodge district as required. It is further stated that the agreement was terminated on April 13, 1984, by Applicant, Natural and Iowa-Illinois.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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. 84-18399 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-498-000]

Northwest Pipeline Corp.; Request Under Blanket Authorization

July 6, 1984.

Take notice that on June 18, 1984, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP84-498-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205), that Northwest proposes to transport natural gas for the account of Mountain Fuel Supply Company (MFS), an interstate pipeline company, under the authorization issued on Docket No. CP82-433-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to transport up to 3,000 dt equivalent of natural gas per day for an initial term of twenty years.

Northwest states it would gather volumes of natural gas which MFS would tender to Northwest from certain wells located in the Pinedale Anticline Area in Sublette County, Wyoming, through its Big Piney Gathering System facilities to its Opal Gasoline Plant in Lincoln County, Wyoming.

Northwest explains it would transport gas received from the Opal Receipt Point through its transmission facilities to an existing point of interconnection with MFS located in Sweetwater County, Wyoming where thermally equivalent volumes, less gathering and transmission fuel, would be redelivered to MFS.

Northwest states that it would charge MFS a mainline transportation rate of 1.25 cents per dt and a GRI adjustment of 1.18 cents per dt. Northwest would also retain 0.83 percent of volumes transported as reimbursement for mainline fuel usage. These rates, it is indicated, are set forth on Sheet No. 2 in Northwest's current effective F.E.R.C. Gas Tariff, Volume No. 2.

Northwest further states that the proposed service is conditioned upon the availability of pipeline capacity sufficient to provide such service without detriment or disadvantage to Northwest's existing customers who are dependent on Northwest's general system supply.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18400 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-499-000]

Southwest Gas Corp.; Application

July 6, 1984.

Take notice that on June 18, 1984, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP84-499-000 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 one high-pressure line tap facility on its North Lake Tahoe mainline lateral, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate one high-pressure tap on its North Lake Tahoe lateral to enable Applicant to deliver gas to two residential customers. It is stated that the Shytta and Goldman Tap in Washoe County, Nevada, would have annual usage, peak-day usage and average-day usage of 534 Mcf, 3.0 Mcf and 146 Mcf, respectively.

It is asserted that the cost of the facility proposed herein would be approximately $2,093, which would be financed by an advance made by the customers.

Any person desiring to be heard or to made any protest with reference to said application should on or before July 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commision'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. 84-18401 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-197-001]

Tennessee Gas Pipeline Co. a Division of Tenneco Inc; Petition To Amend

July 6, 1984.

Take notice that on May 16, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP78-197-001 a petition to amend the Commission's order issued August 3, 1978, in Docket No. CP78-197-000 pursuant to section 7(c) of the Natural Gas Act, so as to authorize three new delivery points for a transportation service for Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Tennessee states that in Docket No. CP78-197-000 it is authorized to transport natural gas produced from East Cameron Block 34, offshore Louisiana, through Tennessee's existing facilities to various points of delivery for Northern, Southern Natural Gas Company, Columbia Gas Transmission Corporation, and Natural Gas Pipeline Company of America. Tennessee states that it is presently authorized to transport up to 5,250 Mcf of natural gas per day for the account of Northern for delivery at a point on Tennessee's pipeline near Kinder, Jefferson Davis Parish, Louisiana.

Tennessee further states that it is currently transporting this gas for Nrothern from offshore to Kinder under the certificate issued on August 3, 1978, and from Kinder to the proposed new delivery points pursuant to the provisions of § 248.221 of the Commission's Regulations and Tennessee's Order No. 60 blanket certificate issued February 21, 1980, in Docket No. CP78-132.

In addition, Tennessee states that it proposes to delete the existing delivery point near Kinder and to establish three new delivery points at (1) the point of interconnection between Tennessee's 16-inch line and United Gas Pipe Line Company's (United) 20-inch line in Calcasieu Parish, Louisiana (Iowa Point of Delivery), (2) the point of interconnection of Tennessee's Muskrat Line and United's 30-inch line near Bayou Sale, St. Mary Parish, Louisiana (Centerville Point of Delivery), or (3) the point of interconnection of Tennessee's facilities with the facilities of Houston Pipe Line Company on Tennessee's line in E. Pt. Section 2 Survey, C. A. Posey Block in Abstract A-973, Newton County, Texas (Sabine Point of Delivery). Docket No. CP78-197-001

Tennessee also states that it has agreed to revise the transportation quantity from 5,250 Mcf of natural gas per day to 1,000 Mcf per day. Tennessee further states that it has the right but not the obligation to accept volumes in excess of the transportation quantity which are tendered by Northern.

It is stated that Northern would pay Tennessee a volume charge [1] equal to the product of 10.45 cents multiplied by the total volume in Mcf of gas received by Tennessee from Northern during the month, less volumes retained by Tennessee for fuel and uses. It is explained that the minimum monthly bill would consist of the the volume charge of 10.45 cents multiplied by the minimum bill volume, which would consist of the number of days in said month multiplied by 66⅔ percent of the transportation quantity; provided, however, the minimum bill volume would be reduced by the volumes, if any, tendered by Northern and not taken by Tennessee and by the volumes retained for Tennessee's system fuel and uses. Tennessee further explains that in addition, Northern would provide to Tennessee, at no cost to Tennessee, a daily volume of gas for Tennessee's system fuel and uses equal to 1.2 percent of the volume received from Northern hereunder on any day.

Further, Northern would pay Tennessee a liquids transportation charge of 58.13 cents per barrel [2] for the transportation of liquids, it is submitted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18402 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[1] As permitted by the agreement between the parties, the rates have been revised from the rates stated in the amendment to the agreement to reflect Tennessee's current costs, it is indicated.

[2] This rate would be adjusted annually to be effective April 1 of each year by use of the GNP Implicit Price Deflator (or suitable replacement should such deflator be discontinued) it is indicated.

[Docket No. CP84-448-000]

United Gas Pipe Line Co.; Application

July 6, 1984.

Take notice that on May 29, 1984, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-448-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation for the direct sale of up to 3,000 Mcf of gas per day on an interruptible basis to Seacoast Products, Inc., an existing on-system direct customer of Applicant all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that no additional facilities would be required and that the price to be paid by Seacoast Products for this gas would be the sum of $1.05 per Mcf plus the weighted average cost of gas as calculated in Appplicant's Rate Schedule No. IRS 82-105. It is indicated that Applicant's Rate Schedule No. IRS 82-105 states that the seller (Applicant) would estimate the weighted average cost of gas per Mcf in the billing month and that such estimated average cost

would be the actual weighted cost for the month preceding the billing month adjusted for the estimated impact of charges which Applicant reasonably believes to have occurred during the billing month. Applicant states that this sale would be performed only when its supplies of natural gas exceed the current demands of its customers for certificated firm service, taking into account storage volumes and the requirements for storage injection.

Applicant states that unless exempted from the Natural Gas Policy Act's incremental pricing provisions, the rate would be subject to an incremental pricing surcharge in accordance with the Commission's Regulations.

Seacoast Products, Inc., it is explained, would use the natural gas in the operation of its fish mill in Abbeville, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 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. 84-18404 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-345-001]

Western Gas Supply Co. (Formerly Western Slope Gas Co.); Redesignation

July 6, 1984.

On June 11, 1984, Western Gas Supply Company filed in Docket No. CP81-345-001 an application requesting that it be designated as certificate holder under its new name in lieu of under its former name, Western Slope Gas Company. In accordance with a corporate name change, the operations pursuant to sections 1(c) and 7(c) of the Natural Gas Act are to be conducted under the name of Western Gas Supply Company.

Accordingly, the authorizations issued by this Commission, the applications currently pending before the Commission, and any other records or proceedings relating to the former Western Slope Gas Company are hereby redesignated as those of Western Gas Supply Company.

A listing of authorizations and pending proceedings is set forth in the appendix.

This action is taken pursuant to 18 CFR 375.302(s) of the Commission's rules.

Kenneth F. Plumb,

Secretary.

Appendix

Proceedings

CP81-345-000
CP82-178-000
CP83-149-000
ST82-106-000
ST82-305-000
ST82-368-000
ST83-307-000
ST83-315-000
ST83-326-000
ST83-383-000
ST84-202-000

[FR Doc. 84-18405 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA84-19-000]

Williston Basin Interstate Pipeline Co.; Petition for Adjustment

July 6, 1984.

Take notice that on June 19, 1984, Williston Basin Interstate Pipeline Company (Williston), 400 North Fourth Street, Bismarck, North Dakota 58501, filed a petition in Docket No. SA84-19-000 for an adjustment under section 502 (c) of the Natural Gas Policy Act of 1978, wherein Williston seeks similar relief from certain provisions of the Commission's Order No. 29, *et seq.*, and Order No. 55, *et seq.*, as was accorded to Montana-Dakota Utilities Co. (MDU) in Docket No. RP76-91, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Williston explains that in Docket No. CP82-487-000, *et al.*, Williston is seeking authorization to acquire and operate certain facilities now owned and services now rendered by MDU under section 7(c) of the Natural Gas Act. The transfer includes the assumption of MDU's natural gas curtailment plan which would to be enacted by Williston in the event curtailment of natural gas service becomes necessary, it is explained. It is stated the MDU's presently approved plan varies from the Commission's requirements set forth in Order No. 29, *et seq.*, and Order No. 55, *et seq.*, in the establishment of service priorities and that Williston proposes to continue the same treatment.

Williston maintains that the adjustment would allow it to implement the same treatment of high priority and agricultural users as proposed and as previously accorded to MDU.

The procedures applicable to the conduct of this adjustment are found in Subpart K of the Commission's Rules of Practice and Procedure.

Any person desiring to participate in the adjustment proceeding shall file a motion to intervene in accordance with the provisions of such Subpart K. All petitions to intervene must be filed within 15 days after publication in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18406 Filed 7-11-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53062; FRL-2626-8]

Premanufacture Notices; Monthly Status Report for May 1984

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the

premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for May 1984.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E–107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS–53062]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–229, 401 M Street, SW., Washington, DC 20460, (202–382–3736).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during May; (b) PMNs received previously and still under review at the end of May; (c) PMNs for which the notice review period has ended during May; (d) chemical substances for which EPA has received a notice of commencement to manufacture during May and (e) PMNs for which the review period has been suspended. Therefore, the May 1984 PMN Status Report is being published.

Dated: July 6, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report, May 1984

I. 125 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

PMN No.	Identity and generic name	FR citation	Expiration date
84–621	Reaction product of phthalocyanine, chlorosulfonic acid, phosphorus trichloride and p-amino-phenol-beta-sulphate ethyl sulfonate, potassium salt.	49 FR 22866 (6/1/84)	July 17, 1984.
84–670	Generic name: Polymer with methyl methacrylate, butyl acrylate, methacrylic acid and hydroxy acrylic monomers.	49 FR 20061 (5/11/84)	July 29, 1984.
84–671	Generic name: Substituted-[4,5-dihydro-3-methyl-5-oxo-(substituted carbomonocylic)-1H-pyrazol-4-yl) azo]-benzenesulfonic acid.	49 FR 20061 (5/11/84	Do.
84–672	Generic name: Reaction product of epoxides and aromatic amine	49 FR 22129 (5/25/84)	Aug. 13, 1984.
84–673	Generic name: Chromate (substituted naphthaleno-lato) (substituted substituted naphthalenolato) inorganic salts.	49 FR 20061 (5/11/84)	July 29, 1984.
84–674	Cuprate(2), [substituted [[[3-(dimethylamino) propyl]amino]sulfonyl]-29H, 31H-phthalocyanine-substituted-sulfonato(4–)–N^{29},N^{30},N^{31},N^{32}]-, sodium, formate.	49 FR 20062 (5/11/84)	Do.
84–675	4-Benzoyl-N,N,N-trimethylbenzenemethanaminium chloride	49 FR 20062 (5/11/84)	July 30, 1984.
84–676	Generic name: Methacrylate copolymer	49 FR 20062 (5/11/84)	July 31, 1984.
84–677	Found on the inventory		
84–678	Generic name: Halogenated vinyl monomer	49 FR 21113 (5/18/84)	Aug. 1, 1984.
84–679	Generic name: Salt of dialkylphosphorodithioic acid	49 FR 21113 (5/18/84)	Aug. 4, 1984.
84–680	Generic name: Salt of dialkylphosphorodithioic acid	49 FR 21113 (5/18/84)	Do
84–681	Generic name: Unsaturated and saturated alkanoic	49 FR 21113 (5/18/84)	Aug. 5, 1984.
84–682	Generic name: Modified, fatty amidoamine	49 FR 21113 (5/18/84)	Do
84–683	Generic name: Substituted succinic anhydride	49 FR 21113 (5/18/84)	Do
84–684	Generic name: Polymer of formaldehyde and substituted phenols	49 FR 21113 (5/18/84)	Do
84–685	1,3-Isobenzofurandione, 5,5'-carbonylbis, reaction products with methanol	49 FR 21113 (5/18/84)	Do
84–686	Bicyclo [2.2.1]HEPT–5–ENE–2,3-dicarboxylic acid, monomethyl ester, [Endo, Endo)-	49 FR 21114 (5/18/84)	Do
84–687	Generic name: Substituted benzyl amino polyol	49 FR 21114 (5/18/84)	Do
84–688	2-Thiaolium, 2,2'[(2-carboxy-p-phenylene) bis (iminovinylene)] bis [3-ethyl] diiodide triethylamine salt.	49 FR 21114 (5/18/84)	Do
84–689	Generic name: Sulfurized reaction products of animal oil and vegetable fatty ester	49 FR 21114 (5/18/84)	Aug. 6, 1984.
84–690	Carboxymethylated soy fiber	49 FR 21114 (5/18/84)	Do
84–691	1-(1-hydroxy-4-methyl-2-phenylazo)-2-naphthol-4-sulfonic acid triethanolammonium salt	49 FR 21114 (5/18/84)	Aug. 7, 1984.
84–692	Generic name: Polymer of carbomonocyclic acid, carbomonocyclic anhydride, alkanediols and alkane dioic acid.	49 FR 21114 (5/18/84)	Do.
84–693	Generic name: Dithiocarbamate salt	49 FR 22129 (5/25/84)	Aug. 8, 1984.
84–694	Generic name: Bisphenol diester	49 FR 22129 (5/25/84)	Do.
84–695	Generic name: Oil modified polyester	49 FR 22129 (5/25/84)	Do.
84–696	Generic name: Organic salt of quaternary aliphatic cyclic amine	49 FR 22129 (5/25/84)	Do.
84–697	Generic name: Polyurethane plastics	49 FR 22129 (5/25/84)	Do.
84–698	Generic name: 9,10–Anthracenedione sulfonic acid, sodium salt	49 FR 22129 (5/25/84)	Do.
84–699	Generic name: Substituted, substituted, substituted napthealenedisulfonic acid, sodium salt	49 FR 22129 (5/25/84)	Do.
84–700	Generic name: Substituted polyamine	49 FR 22129 (5/25/84)	Do.
84–701	Generic name: Modified styrene methacrylic polymer	49 FR 22130 (5/25/84)	Aug. 11, 1984.
84–702	Generic name: Terpene ether alcohol	49 FR 22130 (5/25/84)	Do.
84–703	Oxo-octyl acetate	49 FR 22130 (5/25/84)	Do.
84–704	Generic name: Substituted alkyl arene	49 FR 22130 (5/25/84)	Do.
84–705	Benzenamine, 2-ethyl-6-methyl-N-methylene	49 FR 22130 (5/25/84)	Do.
84–706	Generic name: Polyesterimide resin	49 FR 22130 (5/25/84)	Aug. 12, 1984.
84–707	Generic name: Polyamideimide resin	49 FR 22130 (5/25/84)	Do.
84–708	Polymer of: Naptha, (petroleum) light stem cracked debenzenized polymers, linseed oil, soya oil, phthalic anhydride, isophthalic acid, glycerine, caster oil, maleic anhydride fumaric acid, oxalic acid, pentaerythritol.	49 FR 22130 (5/25/84)	Do.
84–709	Generic name: Alkaneodiol based polymer	49 FR 22130 (5/25/84)	Do.
84–710	Generic name: Copolymer of acrylates and methacrylates	49 FR 22130 (5/25/84)	Do.
84–711	Generic name: Modified, maleated metal resinate	49 FR 22130 (5/25/84)	Do.
84–712	Generic name: Substituted phenyleneazonaphthalene trisulfonic acid	49 FR 22130 (5/25/84)	Do.
84–713	Generic name: Acrylated alkoxylated aliphatic polyol	49 FR 22130 (5/25/84)	Do.
84–714	Generic name: Polyurethane elastomer	49 FR 22131 (5/25/84)	Do.
84–715	Generic name: Hexadecyl functional silane	49 FR 22131 (5/25/84)	Do.
84–716	Generic name: Modified alkylphenol resin	49 FR 22131 (5/25/84)	Aug. 13, 1984.
84–717	Generic name: Modified essential oil	49 FR 22131 (5/25/84)	Do.
84–718	2,4-dinitrobenzaldehyde	49 FR 22131 (5/25/84)	Do.
84–719	2-(2,4-dinitrophenyl)benzothiazoline	49 FR 22131 (5/25/84)	Do.
84–720	Generic name: Modified polyvinyl amide	49 FR 22131 (5/25/84)	Do.
84–721	Generic name: Epoxy modified acrylic polymer	49 FR 22131 (5/25/84)	Do.

I. 125 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
84-722	1-Naphthalenesulfonic acid, 4-[(2-hydroxyl-1-naphthalenyl)azo]-barium salt (2:1)	49 FR 22131 (5/25/84)	Do.
84-723	1-Naphthalenesulfonic acid, 5-[(2-hydroxyl-1-naphthalenyl)azo]-barium salt (2:1)	49 FR 22131 (5/25/84)	Do.
84-724	1-Naphthalenesulfonic acid, 2-[(2-hydroxyl-6-sulfo-1-naphthalenyl)azo]-barium salt (1:1)	49 FR 22131 (5/25/84)	Do.
84-725	1-Naphthalenesulfonic acid, 4-[(2-hydroxyl-6-sulfo-1-naphthalenyl)azo]-barium salt (1:1)	49 FR 22131 (5/25/84)	Do.
84-726	1-Naphthalenesulfonic acid, 5-[(2-hydroxyl-6-sulfo-1-naphthalenyl)azo]-barium salt (1:1)	49 FR 22131 (5/25/84)	Do.
84-727	5-[(3,5-dinitrophenyl)methylthio]-1-phenyl-1H-tetrazole	49 FR 22131 (5/25/84)	Aug. 14, 1984.
84-728	Generic name: Polyesterimide resin	49 FR 22132 (5/25/84)	Do.
84-729	....do	49 FR 22132 (5/25/84)	Do.
84-730	Generic name: Modified polyester	49 FR 22131 (5/25/84)	Do.
84-731	Generic name: Polymer of aliphatic diacid, aliphatic polyamines and substituted alkane	49 FR 22132 (5/25/84)	Do.
84-732	Generic name: Aromatic polyglycol ether polymer	49 FR 22868 (6/1/84)	Aug. 18, 1984.
84-733	Generic name: Functional polymer of styrene and alkyl methacrylate	49 FR 22868 (6/1/84)	Aug. 19, 1984.
84-734	Generic name: Acrylate terpolymer	49 FR 22868 (6/1/84)	Do.
84-735	Generic name: Polyester urethane	49 FR 22868 (6/1/84)	Do.
84-736	Generic name: Terpolymer of acrylate and methacrylates	49 FR 22868 (6/1/84)	Do.
84-737	Generic name: Glycol ether	49 FR 22868 (6/1/84)	Do.
84-738	....do	49 FR 22868 (6/1/84)	Do.
84-739	Generic name: Phenolated rosin-modified alkyd	49 FR 22868 (6/1/84)	Aug. 20, 1984.
84-740	Generic name: Substituted dianhydride and cyclic amine polymer	49 FR 22868 (6/1/84)	Do.
84-741	Generic name: Substituted dianhydride, cyclic amine and substituted amine terminated polymer	49 FR 22868 (6/1/84)	Do.
84-742	Generic name: Cross-linked modified polyvinyl amide	49 FR 22868 (6/1/84)	Aug. 21, 1984.
84-743	Generic name: Aromatic polyglycolether polymer	49 FR 22869 (6/1/84)	Do.
84-744	Generic name: Haloalkyl-polynitro-halobenzene	49 FR 23916 (6/8/84)	Do.
84-745	Generic name: Fatty alcohols, hydroxy stearate	49 FR 23916 (6/8/84)	Do.
84-746	Generic name: Polyalkylene glycols	49 FR 23916 (6/8/84)	Do.
84-747	....do	49 FR 23916 (6/8/84)	Do.
84-748	Generic name: Modified polyol acetals	49 FR 23917 (6/8/84)	Do.
84-749	Generic name: Cyclic ester	49 FR 23917 (6/8/84)	Do.
84-750	....do	49 FR 23917 (6/8/84)	Do.
84-751	....do	49 FR 23917 (6/8/84)	Do.
84-752	....do	49 FR 23917 (6/8/84)	Do.
84-753	....do	49 FR 23917 (6/8/84)	Do.
84-754	....do	49 FR 23917 (6/8/84)	Do.
84-755	Generic name: Aromatic ester	49 FR 23917 (6/8/84)	Do.
84-756	....do	49 FR 23917 (6/8/84)	Do.
84-757	....do	49 FR 23917 (6/8/84)	Do.
84-758	....do	49 FR 23917 (6/8/84)	Do.
84-759	....do	49 FR 23917 (6/8/84)	Do.
84-760	....do	49 FR 23918 (6/8/84)	Do.
84-761	Generic name: Polyester/acrylic copolymer	49 FR 23918 (6/8/84)	Aug. 26, 1984.
84-762	Generic name: Polyester from mixed alkane diols and mixed acids	49 FR 23918 (6/8/84)	Aug. 27, 1984.
84-763	Polymer of: vinyl acetate, butyl acrylate, hydroxy ethyl acrylate, acrylic acid	49 FR 23918 (6/8/84)	Do.
84-764	Generic name: Polymer of formaldehyde and substituted phenols	49 FR 23918 (6/8/84)	Do.
84-765	....do	49 FR 23918 (6/8/84)	Do.
84-766	....do	49 FR 23918 (6/8/84)	Do.
84-767	....do	49 FR 23918 (6/8/84)	Do.
84-768	....do	49 FR 23918 (6/8/84)	Do.
84-769	....do	49 FR 23918 (6/8/84)	Do.
84-770	Generic name: Alkyd resin	49 FR 23918 (6/8/84)	Do.
84-771	Generic name: Butyl salicylic acid potassium salt aqueous solution	49 FR 23918 (6/8/84)	Do.
84-772	Generic name: Mixed amidoamine	49 FR 23918 (6/8/84)	Do.
84-773	....do	49 FR 23918 (6/8/84)	Do.
84-774	....do	49 FR 23918 (6/8/84)	Do.
84-775	....do	49 FR 23918 (6/8/84)	Do.
84-776	....do	49 FR 23919 (6/8/84)	Do.
84-777	....do	49 FR 23919 (6/8/84)	Do.
84-778	....do	49 FR 23919 (6/8/84)	Do.
84-779	....do	49 FR 23919 (6/8/84)	Do.
84-780	Generic name: Aliphatic diacrylate.	49 FR 23919 (6/8/84)	Do.
84-781	Generic name: Disubstituted acrylamide salt.	49 FR 23919 (6/8/84)	Do.
84-782	Generic name: Pentasubstituted naphthalenecarboxamide.	49 FR 23919 (6/8/84)	Do.
84-783	5-fluorosulfonyl-2-methoxybenzenesulfonyl chloride	49 FR 23919 (6/8/84)	Do.
84-784	Generic name: Polymer of substituted acrylic acid esters and disubstituted acrylamides.	49 FR 23919 (6/8/84)	Do.
84-785	Generic name: Disubstituted naphthoic acid.	49 FR 23919 (6/8/84)	Do.
84-786	Generic name: Polysubstituted heterocycle.	49 FR 23919 (6/8/84)	Do.
84-787	Hydroxyl functional styrene—acrylic penta-polymer	49 FR 23919 (6/8/84)	Do.
84-788	Generic name: Polyester resin	49 FR 23920 (6/8/84)	Aug. 28, 1984.
84-789	Generic name: Amino aromatic ester	49 FR 23920 (6/8/84)	Do.
84-790	Generic name: Monosubstituted phenyl azo polysubstituted heterocycle	49 FR 23920 (6/8/84)	Do.
84-791	Generic name: Substituted hydroxy urethane	49 FR 23920 (6/8/84)	Do.
84-792	Generic name: Disubstituted anthraquinone-2-sulfonic acid, alkali metal salt	49 FR 23920 (6/8/84)	Do.
84-793	Generic name: Disubstituted anthraquinone-2-sulfonic acid	49 FR 23920 (6/8/84)	Do.

II. 105 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity and generic name	FR citation	Expiration date
84-547	Generic name: Hydroxy functional styrene-acrylic tetrapolymer	49 FR 14803 (4/13/84)	June 30, 1984.
84-548	Generic name: Carbodiimide	49 FR 14803 (4/13/84)	Do.
84-549	Generic name: Blocked diisocyanate polymer	49 FR 14803 (4/13/84)	Do.
84-550	Generic name: Soybean-tung polyurethane varnish	49 FR 14803 (4/13/84)	Do.
84-551	Generic name: Polymer polyamine	49 FR 14803 (4/13/84)	Do.
84-552	....do	49 FR 14803 (4/13/84)	Do.
84-553	Polymer of: ethenyl benzene, isooctyl 2-propenoate, peroxide (3,3,5-trimethylcyclohexylidene)bis(1,1-dimethylethyl).	49 FR 14803 (4/13/84)	Do.
84-554	Generic name: Copper phthalocyanine derivative	49 FR 14803 (4/13/84)	Do.
84-555	Generic name: Alkylarylphosphonium halide	49 FR 14803 (4/13/84)	July 1, 1984.
84-556	Generic name: Polyurethane polymer	49 FR 14803 (4/13/84)	Do

II. 105 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
84-557	Generic name: Substituted alkane diol	49 FR 14803 (4/13/84)	Do.
84-558	Generic name: Carboxylated alkane diol	49 FR 14803 (4/13/84)	Do.
84-559	Generic name: Acrylated copolymer	49 FR 14804 (4/13/84)	Do.
84-560	Generic name: Acrylate copolymer	49 FR 14804 (4/13/84)	Do.
84-561	Generic name: Low molecular weight modified polyacrylate	49 FR 14804 (4/13/84)	Do.
84-562	Polymer of: bromine, polystyrene	49 FR 14804 (4/13/84)	July 2, 1984.
84-563	1,3-phenylene bis (phenyl methanone)	49 FR 14804 (4/13/84)	Do.
84-564	1,3-di(1-phenyl-1-hydroxyethyl)benzene	49 FR 14804 (4/13/84)	Do.
84-565	Polymer of: alpha methyl styrene, 2-ethyl hexyl acrylate, hydroxy ethyl acrylate, cumene hydroperoxide, epsilon caprolactone, stannous octoate.	49 FR 14804 (4/13/84)	Do.
84-566	Polymer of: N-(isobutoxymethyl)acrylamide, methyl methacrylate, 2-ethyl hexyl acrylate, acrylic acid, t-butyl peroctoate.	49 FR 14804 (4/13/84)	Do.
84-567	Generic name: 2-propenenitrile, polymer with disubstituted 1,3-butadiene	49 FR 14804 (4/13/84)	Do.
84-568	Generic name: Substituted tall oil polymer	49 FR 14804 (4/13/84)	Do.
84-569	Generic name: Polychlorinated alkylated aromatic hydrocarbon	49 FR 14804 (4/13/84)	Do.
84-570	Generic name: Alkyl substituted 4-amino, 1-8 naphthalimide	49 FR 14804 (4/31/84)	Do.
84-571	Benzene, 1,1'-ethylidenebis	49 FR 16833 (4/20/84)	July 4, 1984.
84-579	Generic name: Substituted alkenol	49 FR 16834 (4/20/84)	July 7, 1984.
84-584	Generic name: Methyl alkanoate ester	49 FR 16834 (4/20/84)	Do.
84-586	Generic name: Alkyl phosphate salt of polyamino	49 FR 16835 (4/20/84)	Do.
84-587	.....do	49 FR 16835 (4/20/84)	Do.
84-588	Generic name: Alkyl phosphate salt of polyamido polyamine	49 FR 16835 (4/20/84)	Do.
84-589	Generic name: Hydrazone	49 FR 16835 (4/20/84)	Do.
84-590	Generic name: Azo pigment	49 FR 16835 (4/20/84)	Do.
84-591	Generic name: Sodum salt of an alkylated, sulfonated aromatic	49 FR 16835 (4/20/84)	July 8, 1984.
84-592	Generic name: Alkylated biphenyl	49 FR 16835 (4/20/84)	Do.
84-593	Generic name: Diazotization product of substituted benzamide and substituted pyridine	49 FR 16835 (4/20/84)	Do.
84-594	Generic name: Dimer acids, dicarboxylic acid, diamines polyamide resin	49 FR 16835 (4/20/84)	Do.
84-595	Generic name: Polyester resin	49 FR 16835 (4/20/84)	Do.
84-596	2,7-naphthalenedisulfonic acid, 4-amino-5-hydroxy-6-[(2-hydroxy-5-sulfophenyl)azo), potassium salt5.	49 FR 16835 (4/20/84)	Do.
84-597	Generic name: Blocked aliphatic polyisocyanate	49 FR 16835 (4/20/84)	July 9, 1984.
84-598	Generic name: Alkoxy functional alkly substituted silicone resin	49 FR 16835 (4/20/84)	Do.
84-599	Generic name: Acrylinc resin	49 FR 16835 (4/20/84)	July 10, 1984.
84-600	.....do	49 FR 16835 (4/20/84)	Do.
84-601	Generic name: Terpene ester	49 FR 18034 (4/26/84)	July 11, 1984.
84-602	Generic name: Polymerester	49 FR 18034 (4/26/84)	July 14, 1984.
84-603	.....do	49 FR 18034 (4/26/84)	Do.
84-604	Generic name: Polymer from alkane diols, alkanedioic acid and a carbomonocyclic acid	49 FR 18034 (4/26/84)	Do.
84-605	Generic name: Polyester	49 FR 18034 (4/26/84)	Do.
84-606	Generic name: Polyester of aliphatic polyols, tall oil fatty acids, and aromatic dibasic acids	49 FR 18034 (4/26/84)	Do.
84-607	Generic name: Polyester polymer derived from glycols and diols and cyclic and alkyl dicarboxylic acids.	49 FR 18034 (4/26/84)	July 15, 1984.
84-608	Generic name: Substituted oxazinimum salt	49 FR 18034 (4/26/84)	Do.
84-609	Generic name: Styrenated drying oil alkyd resin	49 FR 18034 (4/26/84)	Do.
84-610	Generic name: Polymer of acrylic acid, acrylic acid esters, and maleic anhydride	49 FR 18034 (4/26/84)	Do.
84-611	Generic name: Copolymer of acrylic acid, acrylic acid esters and maleic anhydride	49 FR 18035 (4/26/84)	Do.
84-612	Generic name: Isocyanato functional polycarbamoyl (polalkylene oxide)oligomer	49 FR 18035 (4/26/84)	July 16, 1984.
84-613	.....do	49 FR 18035 (4/26/84)	Do.
84-614	Generic name: Isocyanato functional polycarbamoyl ricinoleate	49 FR 18035 (4/26/84)	Do.
84-615	Generic name: Isocyanato ;functional polycarbamoyl (polyalkylene oxide)oligomer	49 FR 18035 (4/26/84)	Do.
84-616	Generic name: Isocyanato functional polycarbamoyl (polyalkylene oxide-co-ricinoleate)oligomer	49 FR 18035 (4/26/84)	Do.
84-617	Generic name: Isocyanato ;functional polycarbomoyl (polyalkylene oxide-co-ricinoleate)oligomer	49 FR 18035 (4/26/84)	Do.
84-618	Generic name: Isocyanato functional polycarbamoyl (polyalkylene oxide-co-ricinoleate)oligomer	49 FR 18035 (4/26/84)	Do.
84-619	Generic name: Tetrasubstituted indolium salt	49 FR 18035 (4/6/84)	Do.
84-620	Generic name: Disubstituted propenone	49 FR 18035 (4/26/84)	Do.
84-622	Alkyl polyether	49 FR 18035 (4/26/84)	July 17, 1984.
84-623	Generic name: Cross-linked copolymer of 2 propenamide and 2 propenoic acid sodium salt	49 FR 18035 (4/26/84)	Do.
84-624	Generic name: Cyclic and aliphatic unsaturated ketones	49 FR 19111 (5/4/84)	July 18, 1984.
84-625	Generic name: 1,3 benzenedicarboxylic acid polymer with 1,2 propanediol adipic acid polymer with 1,2 propanediol, adipic acid, other dicarboxylic acids and polyols.	49 FR 19111 (4/5/84)	Do.
84-626	Generic name: Organotin compound	49 FR 19111 (4/5/84)	Do.
84-627	.....do	49 FR 19111 (5/4/84)	Do.
84-628	Generic name: Modified methacrylate copolymer	49 FR 19111 (5/4/84)	Do.
84-629	Generic name: Modified epoxy resin	49 FR 19111 (5/4/84)	Do.
84-630	Generic name: Fatty alcohol, phthalic acid diester	49 FR 19111 (5/4/84)	Do.
84-631	Generic name: Trisubstituted benzenesulfonic acid derivative	49 FR 19111 (5/4/84)	Do.
84-632	Generic name: Diisocyanate polyether urethane prepolymer	49 FR 19111 (5/4/84)	July 21, 1984.
84-633	Polymer of: vinyl chloride, dimethyl ester of maleic acid, diethyl ester of maleic acid	49 FR 19111 (5/4/84)	Do.
84-634	Void		
84-635	.....do		
84-636	.....do		
84-637	Generic name: Modified acreylic resin	49 FR 19112 (5/4/84)	July 22, 1984.
84-638	Polymner of: neopentyl glycol, 1,6-hexanediol, isolphthalic acid, butyl stannoic acid, adipic acid, phthalic anhydride and trimellitic anhydride.	49 FR 19112 (5/4/84)	Do.
84-639	Generic name: Aliphatic aromatic polyamic acid polymer	49 FR 19112 (5/4/84)	Do.
84-640	Void		
84-641	Invalid		
84-642	Cesium hydrogen carbonate (carbonic acid monocesium salt)	49 FR 19112 (5/4/84)	Do.
84-643	Cooper permanganate	49 FR 19112 (5/4/84)	Do.
84-644	Zinc permanganate hexahydrate	49 FR 19112 (5/4/84)	Do.
84-645	Generic name: Terephthalic acid and aliphatic dicarboxylic acid polymer with polytetramethylene ether glycol and alkane diols.	49 FR 19112 (5/4/84)	Do.
84-646	Generic name: Terephthalic acid and aliphatic dicarboxylic acid polymer with polytetramethylene ether glycol and alkane diols.	49 FR 19112 (5/4/84)	Do.
84-647	Generic name: Styrene acrylate acrylic acid copolymer	49 FR 19112 (5/4/84)	Do.
84-648	Polymer of: neopentyl glycol, trimethylol propane, phthalic anhydride, maleic anhydride	49 FR 19113 (5/4/84)	July 23, 1984.
84-649	Generic name: Chromate, bis(substituted substituted phenolato)inorganic salts	49 FR 19113 (5/4/84)	Do.
84-650	Generic name: Chromate, bis(substituted substituted substituted pyrazolyl), sodium	49 FR 19113 (5/4/84)	July 24, 1984.
84-651	Generic name: Chromate, bis(substituted substituted naphthalenolato)sodium	49 FR 19113 (5/4/84)	Do.
84-652	Generic name: Perfluoroalkyl phosphate	49 FR 19113 (5/4/84)	Do.

II. 105 Premanufacture Notices Received Previously and Still Under Review at the End of the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
84-653	Generic name: Perfluoroalkyl phosphate ammonium salt	49 FR 19113 (5/4/84)	Do.
84-654	Generic name: Magnesium carboxylate	49 FR 19113 (5/4/84)	Do.
84-655	Generic name: Cerium salt of fatty acid	49 FR 19113 (5/4/84)	Do.
84-656	Generic name: Substituted ammonium phenyl-phosphonate	49 FR 19113 (5/4/84)	Do.
84-657	Generic name: Sulfonated amino naphthalene	49 FR 19113 (5/4/84)	Do.
84-658	Polymer of: epsilon-caprolactamn, 2,4, toulene diisocyanate, epsilon-caprolactam triol	49 FR 19113 (5/4/84)	Do.
84-659	Generic name: Iron complex of a substituted phenyl azo	49 FR 19113 (5/4/84)	Do.
84-660	Generic name: Substituted aryl olefin	49 FR 19114 (5/4/84)	Do.
84-661	Generic name: Polyurethane plastics	49 FR 20061 (5/11/84)	July 25, 1984.
84-662	Generic name: Polyol resin	49 FR 20061 (5/11/84)	Do.
84-663	Generic name: Halogenated vinyl monomer	49 FR 20061 (5/4/84)	Do.
84-664	Generic name: Chromate, (substituted substituted phenolato) (substituted substituted substituted substituted phenolato)sodium.	49 FR 20061 (5/11/84)	Do.
84-665	Generic name: Chromate, bis(substituted substituted substituted phenolato), sodium	49 FR 20061 (5/11/84)	Do.
84-666	Generic name: Starch, 2,diethylaminoethylether hydrochloride, 2 acetamido-N-(2-substituted alkyl-) N-methyether.	49 FR 20061 (5/11/84)	Do.
84-667	Generic name: Polyester from carbomonocyclic acid and alkylene glycol	49 FR 19114 (5/4/84)	July 22, 1984.
84-668	Generic name: Polyester from carbomonocyclic ester and alkylene glycol	49 FR 19114 (5/4/84)	Do.
84-669	Oleic, linoleic, palmitic acid ester of ethoxylated $C_{12}C_{14}$ alcohols	49 FR 20061 (5/11/84)	July 28, 1984.

III. 81 Premanufacture Notices for Which the Notice Review Period had Ended During the Month

[Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory.]

PMN No.	Identity and generic name	FR citation	Expiration date
84-102	Generic name: Substituted aromatic	48 FR 50945 (11/4/83)	Apr. 12, 1984.
84-225	Generic name: Polyester-imide resin	48 FR 55332 (12/23/83)	May 15, 1984.
84-276	Generic name: Diarylazomethine N-oxide	48 FR 57619 (12/30/83)	May 14, 1984.
84-327	Generic name: Expoxy ester resin	49 FR 9954 (3/16/84)	May 30, 1984.
84-363	Generic name: Polyimide-anhydride-olefin polymer	49 FR 6991 (2/24/84)	May 9, 1984.
84-377	Generic name: Organotungsten compound	49 FR 4981 (2/9/84)	May 1, 1984.
84-382	2-propenoic acid 3-(2-hydroxyethoxy) 3-oxypropyl ester	49 FR 6161 (2/17/84)	May 5, 1984.
84-383	Generic name: Linseed based alkyd	49 FR 6161 (2/17/84)	May 6, 1984.
84-384	Generic name: Substituted cyclohexane and cyclohexene esters	49 FR 6161 (2/17/84)	Do.
84-385	Generic name: Substituted phenlymagnesium	49 FR 6161 (2/17/84)	Do.
84-386	....do	49 FR 6161 (2/17/84)	Do.
84-387	Generic name: Substituted benzyl alcohol	49 FR 6161 (2/17/84)	Do.
84-388	Generic name: Reaction product of a phenolformaldehyde polymer, a carbocyclic anhydride, and an amine.	49 FR 6161 (2/17/84)	Do.
84-389	Generic name: Urethane acrylate	49 FR 6161 (2/17/84)	Do.
84-390	Generic name: Benzoic acid, 2-((6-((4-chloro-6-((4-((substituted) azo) phenyl) amino)-1,3,5-triazin-2-yl) amino)-1-hydroxy-3-sulfo-2-naphthalenyl)azo-, chromium complex.	49 FR 6161 (2/17/84)	Do.
84-394	Generic name: Polymer of ethylene oxide, propylene oxide, and aliphatic isocyanate	49 FR 6162 (2/17/84)	May 7, 1984.
84-395	Generic name: Dimer acids, dicarboxylic acid, diamines polyamide resin	49 FR 6162 (2/17/84)	May 8, 1984.
84-396	Dipentaerythritol, adipic acid ester	49 FR 6162 (2/17/84)	Do.
84-397	Polymer of: Hydroxy ethyl acrylate, isophorone diisocyanate, Duracarb 122	49 FR 6991 (2/24/84)	May 9, 1984.
84-398	Generic name: Starch, 2 diethyllaminoethylether hydrochloride	49 FR 6991 (2/24/84)	Do.
84-399	Generic name: Blocked amine	49 FR 6991 (2/24/84)	Do.
84-400	Generic name: Titanium (4+) alcohol complex	49 FR 6991 (2/24/84)	May 12, 1984.
84-401	....do	49 FR 6992 (2/24/84)	Do.
84-402	....do	49 FR 6992 (2/24/84)	Do.
84-403	Generic name: Rosin-modified phenolic resin	49 FR 6992 (2/24/84)	Do.
84-404	Generic name: Modified alkyd resin	49 FR 6992 (2/24/84)	Do.
84-405	Generic name: Ammonium salt of substituted phosphoric acid	49 FR 6992 (2/24/84)	Do.
84-406	Lead cyanamide	49 FR 6992 (2/24/84)	May 13, 1984.
84-407	On the inventory		408
84-408	Generic name: 4-(alkylphenylcarbonyloxy)-benzoic acid, alkylphenyl ester	49 FR 6992 (2/24/84)	Do.
84-409	Generic name: 4÷-alkylbiphenylcarboxylic acid, (4-alkylphenyl) ester	49 FR 6992 (2/24/84)	Do.
84-410	Generic name: Alkybenzoic acid, 4-alkylphenyl ester	49 FR 6992 (2/24/84)	Do.
84-411	....do	49 FR 6992 (2/24/84)	Do.
84-412	....do	49 FR 6992 (2/24/84)	Do.
84-413	....do	49 FR 6992 (2/24/84)	Do.
84-414	....do	49 FR 6993 (2/24/84)	Do.
84-419	Generic name: Triazine derivative	49 FR 7654 (3/1/84)	May 16, 1984.
84-420	4-(4.5-dihydro-4-(5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H-pyrazol-4-yl)methylene)-3-methyl-5-oxo-1H-pyrazol-1-yl-benzenesulfonic acid-tripotassium salt.	49 FR 7655 (3/1/84)	Do.
84-421	Generic name: Bis(alkyl-carbomonocycle) spiro-heterocycle	49 FR 7655 (3/1/84)	May 20, 1984.
84-422	Generic name: Blocked isocyanate	49 FR 7655 (3/1/84)	May 21, 1984.
84-423	Generic name: Polyamideimide resin	49 FR 7655 (3/1/84)	Do.
84-424	Generic name: Polyester resin	49 FR 7655 (3/1/84)	Do.
84-426	Generic name: Modified rosin, metal salt	49 FR 7655 (3/1/84)	Do.
84-427	Generic name: Saturated aromatic and aliphatic polyester polyols	49 FR 7655 (3/1/84)	Do.
84-428	....do	49 FR 7655 (3/1/84)	Do.
84-429	....do	49 FR 7655 (3/1/84)	Do.
84-430	....do	49 FR 7655 (3/1/84)	Do.
84-431	....do	49 FR 7655 (3/1/84)	Do.
84-432	....do	49 FR 7655 (3/1/84)	Do.
84-433	....do	49 FR 7655 (3/1/84)	Do.
84-434	On the inventory		
84-436	Cayno ethyl pullulan	49 FR 7656 (3/1/84)	Do.
84-437	Generic name: Amine adduct of epoxy resin	49 FR 7656 (3/1/84)	Do.
84-438	Generic name: Alkyl butanamide	49 FR 7656 (3/1/84)	May 22, 1984.
84-440	Generic name: Styrene acrylic polymer	49 FR 7656 (3/1/84)	Do.
84-441	Generic name: Amine adduct of epoxy resin	49 FR 9014 (3/9/84)	May 23, 1984.
84-442	Generic name: Epoxy-modified urethane polymer	49 FR 9014 (3/9/84)	May 26, 1984.
84-443	On the inventory		
84-444	Generic name: Modified, maleated metal resinate	49 FR 9014 (3/9/84)	Do.
84-445	Generic name: Substituted ketone	49 FR 9014 (3/9/84)	Do.

III. 81 Premanufacture Notices for Which the Notice Review Period had Ended During the Month—Continued

[Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory.]

PMN No.	Identity and generic name	FR citation	Expiration date
84-446	Generic name: Substituted ketone	49 FR 9014 (3/9/84)	Do.
84-447	Generic name: Substituted amine	49 FR 9014 (3/9/84)	Do.
84-448	Generic name: Substituted aldehyde	49 FR 9014 (3/9/84)	Do.
84-449	Generic name: Terpene ester	49 FR 9014 (3/9/84)	Do.
84-450	Generic name: Hydrolysis product of terpene ester	49 FR 9014 (3/9/84)	Do.
84-451	Generic name: Phenoxazin imine	49 FR 9014 (3/9/84)	Do.
84-452	Generic name: Poly(vinly-acrylate)	49 FR 9015 (3/9/84)	May 27, 1984.
84-453	Generic name: Thiadiazole derivative	49 FR 9015 (3/9/84)	Do.
84-454	Generic name: Substituted mercapto triazole	49 FR 9015 (3/9/84)	Do.
84-455	Generic name: Substituted tetrazole	49 FR 9015 (3/9/84)	Do.
84-456	Generic name: Substituted benzimidazole/benzoxazole	49 FR 9015 (3/9/84)	Do.
84-457	Generic name: Alkyd resin	49 FR 9015 (3/9/84)	Do.
84-458	Generic name: Carboxylic acid derivatives of polyalkylene glycols	49 FR 9015 (3/9/84)	Do.
84-459	Generic name: Modified metal carboxylate	49 FR 9015 (3/9/84)	Do.
84-463	Generic name: Modified alkyd resin from fatty acids, carbomonocyclic acids and alkane diols	49 FR 9015 (3/9/84)	May 28, 1984.
84-465	Generic name: Substituted urea	49 FR 9015 (3/9/84)	Do.
84-466	Generic name: Polyurethane resin	49 FR 9016 (3/9/84)	May 29, 1984.
84-468	Generic name: Functionalized polyacrylic acid derivative	49 FR 9016 (3/9/84)	Do.
84-469	Generic name: Polyalky ester	49 FR 9954 (3/16/84)	May 30, 1984.
84-470	Generic name: Salt of aminoethylethanolamine phosponic acid	49 FR 9954 (3/16/84)	Do.
84-502	Generic name: Modified epoxy based resin	49 FR 13747 (4/6/84)	Apr. 24 1984.

IV. 60 Chemical Substances for Which EPA has Received Notices of Commencement to Manufacture.

PMN No.	Chemical identification	FR citation	Date of commencement
80-65	Poly[oxy(methyl-1,2-ethanediyl)), alpha-(di-3,3'-carboxyl-1-oxosulfopropyl]-omega-2-propanol-1,11-[(1-methylelthylidene)bis(4,1-phenoxy))bis-, disodium salt.	45 FR 26200(4/28/80)	June 14, 1984.
81-515	Generic name: Polymer of styrene and acrylic acid with substituted acrylates and methacrylates	46 FR 50841(10/15/81)	Jan. 18, 1984.
81-572	Magnesium alkyl (C_{10}–C_{13}) salicylate	46 FR 58039(11/13/81)	May 8, 1984.
82-276	Generic name: Bis(substituted-6,6,6-triacryloyl-oxymethyl-4-oxahexyl) ethyl-methyl-disubstituted heteromonocycle.	47 FR 17668(4/23/82)	On or about.
82-689	Generic name: Alkylamino ethoxy ethanol	47 FR 43162(9/30/82)	On or about May 21, 1984.
83-106	Generic name: Polymer of aliphatic and aromatic diacids and an aliphatic diol	47 FR 52223(11/19/82)	May 4, 1984.
83-115	Generic name: Naphthalenedisulfonic acid, disodium salt, ((2-((sodium sulfooxyethyl) sulfonyl)aryl)azo) and monochlorotriazinyl-amino, substituted, copper complex.	47 FR 52224(11/19/83)	Apr. 23, 1984.
83-397	Generic name: Amine salt of a phosphonic acid	48 FR 5304(2/4/83)	Nov. 10, 1983.
83-482	Generic name: Modified polyester of a carbomono-cyclic anhydride and a substituted alkane diol	48 FR 7301(2/16/83)	Apr. 9, 1984.
83-498	Generic name: Polymer of alkyl diamine and substituted oxiranes	48 FR 9366(3/4/83)	Apr. 5, 1984.
83-526	Generic name: Isocyanate derived polyamide	48 FR 10470(3/11/83)	July 9, 1984.
83-552	Generic name: Phenol formaldehyde butanol resin	48 FR 12591(3/25/83)	May 2, 1984.
83-639	Generic name: Trisubstituted benzoxazolium	48 FR 17386(4/22/83)	Apr. 4, 1984.
83-644	.....do	48 FR 20488(5/6/83)	Apr. 10, 1984.
83-678	Generic name: Dibutyltin mercaptoacetate derivative	48 FR 20491(5/6/83)	Apr. 17, 1984.
83-753	Generic name: Styrene acrylic copolymer	48 FR 24967(6/3/83)	Sept. 7, 1983.
83-757	Generic name: Functionalized acrylic polymer	48 FR 24967(6/3/83)	Apr. 10, 1984.
83-790	Generic name: Heterocycle carboxylic acid	48 FR 26884(6/10/83)	May 21, 1984.
83-833	Generic name: Coconut oil epoxy polymer	48 FR 29055(6/24/83)	May 2, 1984.
83-834	Generic name: Coconut oil alkyd	48 FR 29055(6/24/83)	Do.
83-942	Generic name: Ethylene polymer with mixed alpha olefins	48 FR 33533(7/22/83)	May 21, 1984.
83-976	Generic name: Fluroalkylamine	48 FR 34507(7/29/83)	Apr. 25, 1984.
83-1080	Generic name: Silylated silica gel	48 FR 39690(9/1/83)	May 21, 1984.
83-1187	Generic name: Vinyl interpolymer containing hydroxy and carboxyl groups	48 FR 41644(9/16/83)	May 1, 1984.
83-1201	Generic name: Diyne diures	48 FR 43397(9/23/83)	Apr. 9, 1984.
83-1312	Generic name: Urethane acrylate	48 FR 45833(10/7/83)	Mar. 2, 1984.
83-1316	Generic name: Alkyl fatty ester	48 FR 45844(10/7/83)	On or about Apr. 25, 1984.
84-29	Generic name: Ethylene terpolymer	48 FR 48865(10/21/83)	May 15, 1984.
84-48	Generic name: Acrylic styrene copolymer	48 FR 50952(11/4/83)	Apr. 16, 1984.
84-55	Generic name: Ethoxylated nonylphenol urethane derivative	48 FR 509529(11/4/83)	Feb. 13, 1984.
84-80	Cellulose, acetate, [(1-oxo-2-propenyl) amino] methyl ether	48 FR 50954(11/4/83)	Apr. 25, 1984.
84-81	Cellulose, acetate butanoate, [(1-oxo-2-propenyl) amino] methyl ether	48 FR 50954(11/4/83)	Apr. 30, 1984.
84-103	Generic name: Modified polyacrylate polymer	48 FR 50945(11/4/83)	Apr. 10, 1984.
84-104	Generic name: Starch grafted polyacrylate polymer	48 FR 50945(11/4/83)	Apr. 11, 1984.
84-110	Generic name: Poylurea	48 FR 50946(11/4/83)	May 10, 1984.
84-211	Generic name: 3,7-bis(substituted amino)-5- (substituted phenyl) phenazinium salt	48 FR 53162(11/25/83)	Mar. 27, 1984.
84-212	Generic name: 3,7-bis(substituted amino)-5- (substituted phenyl) phenazinium salt	48 FR 53162(11/25/83)	Mar. 25, 1984.
84-236	Generic name: Diisocyanate polymer with poly-ether polyols	48 FR 55333(12/12/83)	May 8, 1984.
84-264	Generic name: Alkyl sulfonate	48 FR 57618(12/30/83)	Apr. 23, 1984.
84-276	Generic name: Diarylazomethine N-oxide	48 FR 57619(12/30/83)	May 16, 1984.
84-319	Crude oat oil	49 FR 2526(1/20/84)	Apr. 29, 1984.
84-320	Generic name: Saturated polyester	49 FR 2526(1/20/84)	May 17, 1984.
84-324	Generic name: Isoindolyl derivative of aromatic heterocycle	49 FR 2527(1/20/84)	May 1, 1984.
84-352	Generic name: Cellulose ester	49 FR 4256(2/3/84)	Apr. 24, 1984.
84-359	2,2-bis(4-(3-di(cocoalkylpolyoxyethyl) amino-2-hydroxypropoxy) phenyl) propane, ethoxylated	49 FR 6161(2/17/83)	Apr. 27, 1984.
84-361	Generic name: Substituted cyclohexane	49 FR 4980(2/9/84)	May 1, 1984.
84-368	Generic name: Substituted styrene, substituted acrylate, derivatized copolymer	49 FR 4981(2/9/84)	Do.
84-369	Benzenemethanaminium, 4-ethenyl-N-dodecyl-N,N- dimethyl chloride	49 FR 4981(2/9/84)	Apr. 30, 1984.
84-372	Generic name: 4-(Substituted cycloalkyl)-alkoxy-benzene	49 FR 4981(2/9/84)	Do.
84-373	Generic name: 4-(Substituted cycloalkyl)-alkoxy-benzene	49 FR 4981(2/9/84)	Do.
84-374	Polymer of: Neopentyl glycol; phthalic anhydride; adipic acid; isophthalic acid; benzoic acid, trimethylol propane.	49 FR 4981(2/9/84)	May 2, 1984.
84-384	Generic name: Substituted cyclohexane and cyclohexene esters	49 FR 6161(2/17/84)	May 7, 1984.
84-408	Generic name: 4-(alkylphenylcarbonyloxy)-benzoic acid, alkylphenyl ester	49 FR 6992(2/24/84)	June 22, 1984.
84-409	Generic name: 4'-alkylbiphenylcarboxylic acid, (4-alkylphenyl) ester	49 FR 6992(2/24/84)	Do.
84-410	Generic name: Alkylbenzoic acid, 4-alkylphenyl ester	49 FR 6992(2/24/84)	Do.

IV. 60 Chemical Substances for Which EPA has Received Notices of Commencement to Manufacture.—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
84-411	....do	49 FR 6992(2/24/84)	Do.
84-412	....do	49 FR 6992(2/24/84)	Do.
84-413	....do	49 FR 6992(2/24/84)	Do.
84-414	....do	49 FR 6993(2/24/84)	Do.
84-459	Generic name: Modified metal carboxylate	49 FR 9015(3/9/84)	May 30, 1984.

V. 92 Premanufacture Notices for Which the Review Period has Been Suspended

PMN No.	Identity and generic name	FR citation	Date suspended
880-146	Phosphorodithiocic acid O,O÷-di (isohexyl isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt.	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid O,O÷-di (isohexyl, isoheptyl, iaooctyl, isononyl, isodecyl) mixed esters,	45 FR 49153 (7/23/80)	Do.
82-60	Generic name: Zinc, O,O-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr. 15, 1982.
82-387	Phosphorodithioci acid, O,O', secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982.
82-388	Phosphorodithioc acid, O,O÷, secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do.
83-1	Generic name: Polyhalogenated aromatic alkyated hydrocarbon	FR 46371 (10/18/82)	Oct. 22, 1982
83-333	Generic name: Reaction product of polycycle-sulfonic acid salt with phosphorus halide-heslogen, subsequent reaction with an amine, subsequent reacton with an aldehyde-sodium bisulfite alkali.	48 FR 73 (1/3/83)	Mar. 14, 1983.
83-401	Generic name: Naphthalenetrisulfonic acid, chlorotriazinylamino-methoxymethylphenylazo-	48 FR 5304 (2/4/83)	Aug. 18, 1983.
83-418	Generic name: Benzenedisulfonic acid, chlorotriazinylaminodimethyphenylazo-sulfonaphthalen-eazo-.	48 FR 5340 (2/4/83)	Do.
83-461	Generic name: Substituted alkoxy silane	48 FR 7300 (2/16/83)	Apr. 25, 1983
83-634	Generic name: Substituted mono azo arcmatic	48 FR 17385 (4/22/83)	July 5, 1983.
83-669	Generic name: Chronium complex of substituted phenolazosulfonaphtol with naphtholazosulfo-naphtol.	48 FR 20490 (5/6/83)	Aug. 5, 1983
83-677	Generic name: Chromium complex of substitued alkylaminoformimidphenol with sulfonaptholazo-sulfophenylpyrazolone.	48 FR 20491 (5/6/83)	Do.
83-755	4-hydroxy-6-phenylaminonaphthalene-2-sulfonic acid	48 FR 24967 (6/3/83)	Aug. 17, 1983.
83-770	Generic name: Cobalt complex of a substituted phenolazonaphthol	48 FR 2498 (6/3/83)	Aug. 15, 1983.
83-771	Generic name: Chronium complex of substituted phenolazoalkylarylamino-formimidphenol with sulfonaphthylazosulfonaphthol.	48 FR 24968 (6/3/83)	Do.
83-831	Generic name: Disazo solvent red dye	48 FR 29055 (6/24/83)	Sept. 9, 1983.
83-860	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30435 (7/1/83)	Sept. 21, 1983.
83-875	4-(2-cyano-4-nitrophenylazo)-[N-(2-cyanoethyl)-N-(2-phenoxyethyl) amino] bezene	48 FR 31462 (7-8-83)	Do.
83-876	4-(2-cyano-4-nitrophenylazo)-[N,N-bis (2-propionloxyethyl) amino]-3-chlorobezene	48 FR 31462 (7/8/83)	Do.
83-913	Generic name: Copper sulfonylphenazopolyhydroxy phenazobenzoate	48 FR 32383 (7/15/83)	Oct. 1, 1983.
83-1006	Generic name: (Amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, and (amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, salts with sodium and potassium.	48 FR 36648 (8/12/83)	Oct. 14, 1983.
83-1007	Generic name: (Substituted)-(substituted)-hydroxy-naphthalenesulfonic acid, sodium salts	48 FR 36648 (8/12/83)	Oct. 14, 1983.
83-1012	Generic name: Bis(sulfophenylchlorotriazine-aminosulfophenylazo) hydroxyaminodisulfo-naphtha-lene.	48 FR 36648 (8/12/83)	Oct. 24, 1983.
83-1018	Generic name: Substituted-naphthalene tetradisulfonic acid, bis[(substituted-hyrdoxyphenylazo) phenyl] derivative.	48 FR 36649 (8/12/83)	Do.
83-1029	Generic name: Substituted heterocycle	48 FR 37699 (8/19/83)	Nov. 3, 1983.
83-1033	Generic name: C_{6-8} carboxylic acid	48 FR 37700 (8/19/83)	Dec. 8, 1983.
83-1157	Generic name: Substituted oxirane	48 FR 41642 (9/16/83)	Feb. 2, 1984.
83-1162	Generic name: Substituted pyridine	48 FR 41643 (9/16/83)	Nov. 29, 1983.
83-1163	.....do	48 FR 41643 (9/16/83)	Do.
83-1222	Generic name: Substituted alkyl halide	48 FR 43399 (9/23/83)	Feb. 2, 1984.
83-1227	Generic name: Perhalo alkoxy ether	48 FR 43399 (9/23/83)	Do.
83-1228	.....do	48 FR 43399 (9/23/83)	Do.
83-1229	.....do	48 FR 43399 (9/23/83)	Do.
83-1238	Generic name: Substituted anthraquinone	48 FR 43400 (9/23/83)	Dec. 9, 1983.
84-7	N,N,N÷,N÷-tetraglycidyl-1,3-bisaminomethyl cyclohexane	48 FR 48853 (10/14/83)	Dec. 21, 1983.
84-15	Generic name: Substituted heterocyclic metal complex	48 FR 48864 (10/21/83)	Jan. 3, 1984.
84-17	.....do	48 FR 48864 (10/21/83)	Mar. 1, 1984.
84-18	1(1,1 dimethylethoxy)-propan-2-o1	48 FR 48864 (10/21/83)	Jan. 6, 1984.
84-36	Generic name: Substituted heterocyclic metal complex	48 FR 48866 (10/21/83)	Mar. 1, 1984.
84-50	.....do	48 FR 50952 (11/4/83)	Do.
84-64	Generic name: Substituted-phenylamino mono-cholro-triazinylamino sulfophenylazo-substituted dis-ulfonaphthalenzylazo-naphthalene-disulfonic acid, hexasodium salt.	48 FR 50953 (11/4/83)	Jan. 5, 1984.
84-68	Generic name: Substituted anthraquinone aryl amine	48 FR 50953 (11/4/83)	Dec. 28, 1983.
84-99	Generic name: Hydroxylalkyl ether	48 FR 50945 (11/4/83)	Jan. 11, 1984.
84-108	Generic name: Trisubstituted heterocyclic disubstituted monocycle	48 FR 50945 (11/4/83)	Mar. 3, 1984.
84-111	Generic name: Substituted aromatic polymer	48 FR 50946 (11/4/83)	Jan. 9, 1984.
84-112	.....do	48 FR 50946 (11/4/83)	Do.
84-113	.....do	48 FR 50946 (11/4/83)	Do.
84-114	.....doD48 FR 50946 (11/4/83)	Do.	
84-115	.....do	48 FR 50946 (11/4/83)	Do.
84-116	.....do	48 FR 50946 (11/4/83)	Do.
84-117	.....do	48 FR 50946 (11/4/83)	Do.
84-121	Generic name: Subsituted heterocyclic metal complex	48 FR 50946 (11/4/83)	Mar. 1, 1984.
84-224	Generic name: Alkoxylated bisphenol A, inorganic ester, monoethanolamine salt	48 FR 55332 (12/12/83)	Apr. 2, 1984.
84-259	Generic name: Bis(polyalkylaminotriphenyl)-bis (alkylamino) benzene	48 FR 56846 (12/23/83)	Mar. 8, 1984.
84-274	Poly (oxy-1,4-butanediyl)-x-(1-oxo-2-propenyl)-w-[1-oxo-e-propenyl) oxy]-	48 FR 57619 (12/30/83)	Mar. 7, 1984.
84-277	Generic name: Spiroglycol	48 FR 57619 (12/30/83)	Mar. 26, 1984.
84-306	Benzoic acid, 2-((((2-((2-methy-l-oxo-2-propenyl)oxy)ethyl)amino)carbonyl)oxy-, methyl ester	48 FR 932 (1/6/84)	Mar. 22, 1984.
84-307	2-propenoic acid, 2-methyl-, 2-((hexahydro 2-oxo-lH-azepin-l-yl) carbonyl) amino) ethyl ester	49 FR 932 (1/6/84)	Do.
84-310	Generic name: Amine salt of a substituted organic acid	49 FR 1787 (1/13/84)	Mar. 23, 1984.
84-328	Generic name: Bis(polyalkylaminetriphenyl)-bis (aminoalkyl) benzene	49 FR 2527 (1/20/84)	Apr. 9, 1984.
84-341	Poly[oxy(l-oxo-1,6-hexanediyl)], alpha-hydro-omega-hydroxy-, ester with 3-hydroxy-2, 2-dimethyl-propyl 3-hydroxy-2,2-dimethylpropanoate (2:1), di-2-propenoate.	49 FR 3525 (1/27/84)	May 3, 1984.
84-342	Poly[oxy(l-oxo-l,6-hexanediiyl)], alpha-(l-oxo-2-propenyl)-omega-[(tetrahydro-2-furanyl) methoxy]-	49 FR 3525 (1/27/84)	Do
84-343	Poly[oxy(l-oxo-l,6-hexanediyl)], alpha-hydroxy-omega-hydroxy-, ester with 2,2'[oxybis (methylene) bis[2-hydroxymethyl)-l,3-propane-diol 2-propenoate.	49 FR 3525 (1/27/84)	Do.
84-344	2-propenoic acid, [2-[l,l-dimethyl-2-[(l-oxo-2-propenyl]oxy]ethyl]-5-ethyl-l,3-dioxan-5-yl] methyl ester.	49 FR 3525 (1/27/84)	May 4, 1984.

V. 92 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity and generic name	FR citation	Date suspended
84-351	Generic name: Substituted benzophenone	49 FR 4256 (2/3/84)	Apr. 23, 1984.
84-358	Generic name: Polyaromatic urethane poly (unsaturated) ester	49 FR 6991 (2/24/84)	Apr. 26, 1984.
84-375	Generic name: Sodium salt of alkyl dithiocar-carbamates	49 FR 4981 (2/9/84)	May 11, 1984.
84-376	Generic name: Aryl esters of alkyl dithiocar-bamates	49 FR 4981 (2/9/84)	Do.
84-378	Generic name: Aromatic sulfonate of substituted hetoropolycycle	49 FR 6161 (2/17/84)	Apr. 30, 1984.
84-379	Generic name: Aromatic sulfonate of substituted heteropolycycle	49 FR 6161 (2/17/84)	Do.
84-380	Generic name: Aromatic sulfonate of substituted heteropolycycle	49 FR 6161 (2/17/84)	Do.
84-391	Generic name: Cuprate (5-), [5-hydroxy-2-[4-[[5-hydroxy-6-[[2-methoxy-5-(substituted) phenyl] azo]-7-sulfo-2-naphthalenyl] amino]-6-[(3-sulfophenyl)amino)]-1, 3, 5-triazin-2-yl] amino]-6-[(2-hydroxy-5-sulfophenyl)] azo-1, 7-naphthalene-disulfonato (7-)], pentasodium.	49 FR 6192 (2/17/84)	Apr. 27, 1984.
84-392	Generic name: Alkoxylated cycloaliphatic diamine	49 FR 6162 (2/17/84)	Do.
84-393	Generic name: 2-Chloro-N-methyl-N-substituted acetamide	49 FR 6162 (2/17/84)	Apr. 24, 1984.
84-415	Chemically exfoliated vermiculite	49 FR 6993 (2/24/84)	Apr. 19, 1984.
84-416	Dimethylbis(N-ethylacetamido)silane	49 FR 6993 (2/24/84)	May 11, 1984.
84-417	Generic name: Substituted phenol	49 FR 6993 (2/24/84)	May 1, 1984.
84-418	Generic name: Methyl ester of dicarboxylic acid	49 FR 7654 (3/1/84)	May 15, 1984.
84-425	Generic name: Alkyl arylphosphonium salt	49 FR 7655 (3/1/84)	Apr. 13, 1984.
84-439	Generic name: Substituted cyclopropane-carboxylic acid	49 FR 7656 (3/1/84)	May 11, 1984.
84-460	Copper ferrocyanide salt of C.I. basic green I and C. I. basic yellow I	49 FR 9015 (3/9/84)	May 9, 1984.
84-461	Copper ferrocyanide salt of C. I. basic blue II	49 FR 9015 (3/9/84)	Do.
84-462	Generic name: Substituted urethane ester	49 FR 9015 (3/9/84)	May 21, 1984.
84-464	Generic name: Halogenated aromatic ether	49 FR 9015 (3/9/84)	May 23, 1984.
84-491	Generic name: Substituted aliphatic acid halide	49 FR 11010 (3/23/84)	May 22, 1984.
84-492	Generic name: Substituted hydroxylamine	49 FR 11010 (3/23/84)	Do.
84-580	Generic name: Isopropyl ester of substituted acetic acid	49 FR 16834 (4/20/84)	May 24, 1984.
84-581	Generic name: Oxaspiroalkane	49 FR 16834 (4/20/84)	Do.
84-582	Generic name: Substituted trialkyl-bicyclo-nonene	49 FR 16834 (4/20/84)	Do.
84-583	Generic name: Alkyl salicylate	49 FR 16834 (4/20/84)	Do.
84-585	Generic name: Alkyl pentanoate ester	49 FR 16834 (4/20/84)	Do.

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[OW-FRL-2622-6]

Issuance of Final General NPDES Permits for Petroleum Storage and Transfer Facilities in the States of Arkansas, Louisiana, Oklahoma, and Texas

AGENCY: Environmental Protection Agency.

ACTION: Notice of final general NPDES permits.

SUMMARY: The Regional Administrator of Region VI is today issuing four final general NPDES permits for Petroleum Storage and Transfer Facilities in the States of Arkansas (ARG340000), Louisiana (LAG340000), Oklahoma (OKG340000), and Texas (TXG340000). Discharges from these facilities are NPDES point sources under the Clean Water Act, and therefore must be authorized by an NPDES permit. Because of the large number of facilities, and the minor nature of the discharges, Region VI has decided to issue these general permits. These final general NPDES permits establish effluent limitations, standards, prohibitions and other conditions on discharges from petroleum storage and transfer facilities. Copies of the permits are reprinted as required by 40 CFR 122.28.

ADDRESSES: Notifications required under these permits should be sent to the Director, Water Management Division (6W), Region VI, U.S. Environmental Protection Agency, 1201 Elm Street, InterFirst Two Building, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Karen Witten (6W–PS), U.S. Environmental Protection Agency, Region VI, 1201 Elm Street, InterFirst Two Building, Dallas, Texas 75270. Telephone (214) 767–2231.

SUPPLEMENTARY INFORMATION: Public notice of the draft permits was published in the **Federal Register** on September 13, 1983 (48 FR 41084). The comment period closed on October 28, 1983. Comments on the draft permits were received from: Conoco, Inc.; Chevron Pipeline Company; Texaco, U.S.A.; Exxon Pipeline Company; Cities Service Oil and Gas Corporation; U.S. Fish and Wildlife Service; U.S. Department of Energy; and the Sierra Club.

Response to Public Comments

Comment: Are oil storage tanks or tank batteries associated with oil and gas production fields or facilities and gas plants covered by the general permit?

Response: Oil storage tanks or tank batteries associated with oil and gas production facilities, natural gas or gasoline plants are not considered petroleum storage and transfer (PST) facilities and are not covered by the general permit for PST facilities.

Comment: A substantial number of PST facilities in Region 6 do not fit the definition of non-transportation related facilities and therefore would not be required to have a SPCC Plan.

Response: Under the "Memorandum of Understanding" between EPA and the Department of Transportation on oil pollution prevention [40 CFR Part 112, §§112.1(d)(1)(i) and (ii)], EPA requires SPCC Plans only for "non-transportation related" facilities. Therefore, the transportation related PST facilities subject to Department of Transportation jurisdiction are exempt from the SPCC Plan requirement.

Comment: The definitions "Petroleum" and "Petroleum Products" necessitate a differentiation between crude ol production facilities and crude oil storage and transfer facilities. Diked production areas and secondary containment areas around the field production storage tanks should be clearly excluded from the sources of discharges from PST facilities.

Response: Part III.B.5 of the general permit is clarified as follows: Crude oil storage and production facilities associated with oil and gas production fields are excluded from coverage under the general permit for PST facilities. Any lease tank batteries or other tankage or loading facilities at oil and gas production sites are excluded from coverage under the general permit for PST facilities.

Comment: The definition of PST facility in Part III.B.5 should be clarified to exclude petroleum production facilities, natural gas or gasoline plants.

Response: The definition of PST facility is further clarified as follows: The term "PST facility" does not include any facility which is part of an oil or gas production facility, a natural gas or gasoline plant, a petroleum refinery or any facility which stores or transfers non-petroleum products.

Comment: Comments were received suggesting modifications to the 45-day notification provision of draft permit conditions I.E.3. The basis for the request was to allow dischargers with individual permits to request coverage under the general permit at any time, provided that such request is made at least 180 days prior to the expiration date of the individual permit.

Response: Part I.E.3(a) language has been modified as follows: (a) For existing dischargers with expired individual NPDES permits that were continued under the Administrative Procedure Act (APA) (i.e., the discharger submitted a timely and complete application for permit renewal) within 45 days of the the effective date of this permit. The issuance of this general permit constitutes Agency action under the APA on all such applications for permit renewals. Therefore, all expired, continued individual permits for these facilities are invalid as of the effective date of this general permit. A new provision 3(c) is added as follows: (c) this general permit does not apply to dischargers with current (i.e., not expired) individual NPDES permits, until the individual permit is terminated in accordance with 40 CFR 122.28(b)(2)(v) and 124.5.

Comment: Draft permit conditions II.A.2 "Need to Halt or Reduce not a Defense" and II.B.4 "Duty to Mitigate" should reflect recently published NPDES regulations at 48 FR 39611, September 1, 1983.

Response: Parts II.A.2 and II.B.4 of the general permit are revised to conform with 40 CFR Part 122, Permit Regulations; Revision in Accordance with Settlement (48 FR 39611) promulgated September 1, 1983.

Comment: Part I.F shown on page 1 of Appendix A—Draft General Permit should read Part I.E.

Response: Part I.F. is changed to read Part I.E.

Comment: There is no list or description of "the following operators" referred to in the first sentence in Appendix A—Draft General Permit.

Response: The words "the following" are deleted from the sentence.

Comment: Between Part I and the table of outfalls in the draft permit, insert the heading "A. Effluent Limitations and Monitoring Requirements".

Response: The heading "A. Effluent Limitations and Monitoring Requirements" is inserted on page 2 of the general permit.

Comment: The last sentence of the first paragraph in Part I.C.4 is unnecessary and should be deleted.

Response: The sentence "monitoring results should be reported depending on the nature and effect of the discharge, but in no case less than once per year" is deleted in Part I.C.4.

Comment: Revise the definition of PST facility in Part III.B.5 of the general permit by using "petroleum and petroleum products" every place "petroleum products" is used.

Response: The definition is revised accordingly.

Comment: Part III.B.7 is not a definition and should be included in Part II.B.12.

Response: Item 7 of Part III.B. is included as item 13 in Part II.B.

Comment: Part II.A.3(d)(B) discusses backup equipment to prevent bypass situations. It sould be recognized that "normal engineering judgment" should be the criteria for installation of backup equipment, not just whether time was available "during normal periods of downtime or preventive maintenance".

Response: No changes will be made in the language in Part II.A.3(d)(B).

Comment: A recommendation to include a paragraph in Part II.B to read as follows: Owners or operators of PST facilities with outfalls not authorized in Part I of this permit, and discharging directly into the "Waters of the United States" as defined by 40 CFR 122.2 shall make application for an individual NPDES permit to authorize outfalls not permitted under the general permit. Such action shall not terminate those provisions of this general permit pertaining to the outfalls authorized in Part I.

Response: The above paragraph is included in Part II.B.12 of the general permit. Additionally, a statement was added as follows: The owners or operators shall notify EPA, Region VI, Permits Issuance Section (6W-PS) and request a permit application for other outfalls not permitted or covered under the general permit.

Comment: A recommendation that the word "tank" in the first sentence in Part III.B.5 be changed to "bulk storage receptacles".

Response: The sentence was changed to include the above wording.

Comment: Several comments were made by the U.S. Fish and Wildlife Service (FWS) regarding the proposed general permit for petroleum storage and transfer (PST) facilities. One of their concerns was the level of oil and grease (30 ppm) that would be authorized to be discharged. FWS cited numerous studies demonstrating the toxicity of oil field brines to aquatic organisms and the depression of benthic species. They stated that brine effluent from oil/water separators contain water soluble fractions (WSFs) of oil such as polycyclic aromatic hydrocarbons. They expressed concern about the bioaccumulation of these compounds by aquatic organisms. FWS is also recommending that EPA encourage the oil and gas producing industry, through this general permit, to plan for reinjection by 1987 of all effluent produced at storage, transfer and producing facilities.

Response: The studies cited above by FWS involve oil field brines or brine discharges. These types of discharges are not associated with PST facilities. The discharges associated with PST facilities consist primarily of stormwater discharges from diked storage areas and other area stormwater runoff. The discharge limitations for these stormwater discharges is no discharge of free oil. The other discharges from PST facilities consist of effluent from petroleum loading and transfer areas, petroleum tank truck washings and petroleum tank truck garages. The permit for these discharges allows a daily average discharge of 30 mg/l oil and grease. This limit is based on Best Professional Judgment (BPJ) and is achievable by a properly designed and operated API oil/water separator or its equivalent. Because of the intermittent and non-continuous nature of the discharges, an oil/water separator or any other pollution control equipment cannot operate at maximum efficiency as opposed to operations under continuous discharge conditions where an oil and grease limit of 15 mg/l or less can be achieved. Although a daily average limit of 15 mg/l oil and grease is achievable at times, it is very difficult to achieve consistently under intermittent, sporadic and non-continuous discharge conditions. Although reinjection is a viable alternative for oil production facilities, it is not a viable alternative for PST facilities because of lack of suitable injection wells located in close proximity to PST facilities. Also, ground water contamination by injection is always a source of concern. Alternatively, EPA, Region 6 has the option of requiring an individual permit where the discharge is a significant contributor of pollution; the discharge is not in compliance with the terms and conditions of the general permit, or a change has occurred in the availability of demonstrated technology or practices

for the control or abatement of pollutants applicable to the point source.

Comment: Several comments were made by the Lone Star Chapter of the Sierra Club regarding the proposed general permit for petroleum and transfer facilities. One of their concerns is that considerably increased testing and reporting are needed to assure that any range of products covered by the general permit will not produce toxic effects. Other comments stated that oil and grease are not conventional pollutants, a daily average of 30 mg/l is excessive and a daily maximum limit should be considered. Another comment stated that petroleum derived asphalts may include petroleum coke, which could contain polycyclic aromatic hydrocarbons, metals, particulates and sulfur. However, it was acknowledged that there are no or very limited data available showing the effect on fish, wildlife or humans.

Response: The measurement frequency and sample type for oil and grease as proposed in the permit is adequate considering the intermittent, non-continuous nature of the discharges. In some cases, a discharge may not occur for a quarter or even for a year. Although the permittee is required to report the monitoring results on an annual basis, anticipated non-compliances, bypasses, and any non-compliances which may endanger health or the environment must be reported promptly as specified in Part I.D. of the permit. Oil and grease has been designated as a conventional pollutant by the EPA Administrator on July 30, 1979, 44 FR 44501. The basis for the oil and grease limit of 30 mg/l daily average is explained in the previous response. If one grab sample is taken during the quarter, the daily average limit is equal to the daily maximum. Part II.B.2 *Duty to Comply with Toxic Effluent Standards* of the general permit states that the permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants. Part II.B.4 *Duty to Mitigate* states that the permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

Comment: Permits Division EPA, Washington, D.C. commented that commingling of tank truck washwater with emulsifiers will lower the effectiveness of the oil-water separator. Also, Outfalls 101 and 601 should have monitoring requirements based on the oil sheen test since 40 CFR 122.41(i) requires monitoring for any effluents specifically limited under the permit. Part I.E.5 should be added which reads as follows: Facilities within the geographic areas of these general permits, discharging from outfalls as authorized by these permits, must be authorized to discharge by either the appropriate general permit, or an individual NPDES permit.

Response: The following sentence was added to Part I.B.2 of the permit: Commingling of washwater from tank truck washings that contains emulsifiers or detergents shall be treated separately, or de-emulsified prior to commingling. For Outfalls 101 and 601, a monitoring frequency of once per month and visual sample type was added. Item 5 in Part I.E. of the permit was added as stated above.

Paperwork Reduction Act

No comments were received on the information collection requirements contained in these final permits.

Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify pursuant to the provisions of 5 U.S.C. 605(b) that these general permits will not have a significant impact on a substantial number of small entities. Moreover, the permits reduce a significant administrative burden on regulated sources.

An estimated 224 petroleum storage and transfer facilities in Region VI will be affected by this regulation. Of the previously submitted 116 NPDES permit applications, 83% of the facilities are classified as marketing bulk plants which receive and dispense petroleum and petroleum products primarily via delivery vehicles. These existing facilities have API separators or equivalent water pollution control technology in place and no modifications would be necessary to comply with the general permit. Approximately 67 of these facilities have been issued either a State and/or an individual NPDES permit and would require no additional monitoring and reporting. The monitoring and reporting costs under the general permit are much less than required under an individual NPDES permit. The purpose of the general permit is to reduce the paperwork required of regulated facilities by eliminating permit applications and reducing reporting and monitoring requirements.

Dated: June 29, 1984.

Frances E. Phillips,

Acting Regional Administrator, Region VI.

Permit No.: [————————]

Authorization to Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), operators of petroleum storage and transfer facilities, as defined in Part III.B., item 5 are authorized to discharge to all receiving waters within the jurisdictional boundaries of the State of [————————] in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

This permit shall become effective on July 12, 1984.

This permit and the authorization to discharge shall expire at midnight, July 12, 1989.

Owners or operators within the general permit areas who fail to make a written request to the Regional Administrator to be covered by the appropriate general permit are not authorized to discharge under the general permit. See Part I.E.

Signed this 15th day of June, 1984.

Myron O. Knudson, P.E.,

Director, Water Management Division (6W).

A. Effluent Limitations and Monitoring Requirements

Serial numbers/outfalls	Effluent characteristics	Discharge limitations (daily average)	Monitoring Requirements	
			Measurement frequency [2]	Sample type
101 Discharges from secondary containment areas (dikes) surrounding petroleum storage tanks	Oil and Grease	No discharge of free oil [5].	One/month	Visual.
201 Discharges from petroleum [1] loading and transfer areas	....do	30 mg/l	Quarterly	Grab.
301 Petroleum tank truck washings [1]	....do	30 mg/l	....do	Do.
401 Discharges from petroleum tank truck garages located adjacent to petroleum storage and transfer facilities [1].	....do	30 mg/l	....do	Do.
501 Sanitary sewage [3]				
601 Contaminated stormwater runoff not otherwise covered by or commingled with the above stated discharges [4].	....do	No discharge of free oil [5].	One/month	Visual.

[1] Discharges which are treated by an oil/water separating device satisfying the design criteria contained in Part III.A. are exempt from the monitoring requirements.
[2] The permit does not authorize the discharge of sanitary sewage. Such discharges must be permitted through individual permits. Application for or issuance of an individual permit for the discharge of sanitary sewage will not affect the applicability of this general permit to PST facility outfalls as described above.
[3] Monitoring is not required if there is no discharge during the quarter or month.
[4] Good housekeeping practices shall be maintained at the facility to minimize discharges of oil and grease.
[5] Oil sheen test (40 CFR Part 110).

B. Other Discharge Limitations

1. *Floating Solids or Visible Foam.* There shall be no discharge of floating solids or visible foam in other than trace amounts.

2. *Commingling.* The commingling of the wastewater categories identified in this permit is authorized. All commingled discharges are subject to the no discharge of free oil limitation. If a commingled discharge contains wastewater from 201, 301, or 401 outfalls, such discharges shall satisfy the discharge limitations and monitoring requirements from 201, 301, or 401. If the commingled discharge contains 201, 301, or 401 discharges and is treated by an oil/water separator satisfying the design criteria contained in Part III.A., such discharge is exempt from the monitoring requirements. This exemption applies to 201, 301, or 401 discharges treated prior to commingling as well as such discharges treated subsequent to commingling. Commingling of washwater from tank truck washings that contains emulsifiers or detergents is prohibited. Outfall 301 discharges that contain emulsifiers or detergents shall be treated separately, or de-emulsified prior to commingling

3. *Noncontact Stormwater Runoff.* This permit imposes no limitation on the discharge of stormwater runoff uncontaminated by an industrial or commercial activity and not discharged through an oil/water separator or other treatment equipment or facility.

4. *Water Quality Standards.* At no time shall the maximum values contained in the effluent exceed the water quality standards after mixing with the receiving stream. Specific State water quality standards are provided in "Arkansas Water Quality Standards," Regulation No. 2, as amended September 1981, Arkansas Department of Water Pollution Control and Ecology; "State of Louisiana Water Quality Criteria," Louisiana Stream Control Commission 1977; "Oklahoma's Water Quality Standards 1982," Oklahoma Water Resources Board, Publication 111; and "Texas Surface Water Quality Standards," Texas Department of Water Resources LP-71, April 1981.

C. Monitoring and Records

1. *Representative Sampling.* Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the monitored activity.

2. *Monitoring Procedures.* Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

3. *Penalties for Tampering.* The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

4. *Reporting of Monitoring Results.* The operator of each petroleum storage and transfer facility shall be responsible for submitting monitoring results, if any, for its facility.

Part I

Required monitoring results shall be summarized and reported on an annual Discharge Monitoring Report Form (EPA Form No. 3320-1). In addition, the annual average shall be reported and shall be the arithmetic average of all samples taken during the reporting year. The first report is due on the 28th day of the 13th month form the day this permit first becomes applicable to a permittee. Signed and certified copies of these and other reports required herein, shall be submitted to the Regional Administrator at the following address:

_____

_____

_____

5. *Additional Monitoring by the Permittee.* If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMRs. Such increased frequency shall also be indicated.

6. *Averaging of Measurements.* Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

7. *Retention of Records.* The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit for a period of at least 3 years from the date of the sample, measurement or report. This period may be extended by request of the Regional Administrator at any time.

8. *Record Contents.* Records of monitoring information shall include:

(a) The date, exact place, and time of sampling or measurements;

(b) The individual(s) who performed the sampling or measurements;

(c) The date(s) analyses were performed;

(d) The individual(s) who performed the analyses;

(e) The analytical techniques or methods used; and

(f) The results of such analyses.

9. *Inspection and Entry.* The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

D. Reporting Requirements

1. *Anticipated Noncompliance.* The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with the permit requirements.

2. *Monitoring Reports.* Monitoring results shall be reported at the intervals and in the form specified in Part I.C. of this permit.

3. *Twenty Four Hour Reporting.* The permittee must report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission

shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

(a) Any unanticipated bypass which exceeds any effluent limitation in the permit; and

(b) Any upset which exceeds any effluent limitations in the permit; and

(c) Violation of a maximum daily discharge limitation for any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance, listed as such by the Regional Administrator in the permit to be reported within 24 hours.

Reports should be made to telephone (214) 767–2214. The Regional Administrator may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours.

4. *Other Noncompliance.* The permittee shall report all instances of noncompliance not reported under Parts I.D.3. at the time monitoring reports are submitted. The reports shall contain the information listed in Part I.D.3.

5. *Signatory Requirements.* All reports or information submitted to the Regional Administrator shall be signed and certified.

a. All requests for coverage shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities employing more than 150 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) The chief executive officer of the agency, or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. All reporst required by the permit and other information requested by the Regional Administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized respresentative only if:

(1) The authorization is made in writing by a person described above.

(2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

(3) The written authorization is submitted to the Regional Administrator.

c. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were preparted under the direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6. *Availability of Reports.* Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

7. *Penalties for Falsification of Reports.* The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or both.

E. Request To Be Covered by General Permit

1. Owners or operators of PST facilities located within the permit area must make a written request to the Regional Administrator that they be authorized to discharge under the appropriate general permit. Unless otherwise notified in writing by the Regional Administrator within 30 days after submission of the request, owners or operators requesting coverage are authorized to discharge under the appropriate general permit.

2. Written requests shall include, the name and legal address of the owner or operator, the location, number and type of facilities to be covered by the permit, and the name of the receiving streams.

3. Written requests shall be submitted to the Regional Administrator (and appropriate State Director):

(a) For existing dischargers with expired individual NPDES permits that were continued under the Administrative Procedure Act (APA) (i.e., the discharger submitted a timely and complete application for permit renewal), within 45 days of th effective date of this permit. The issuance of this general permit constitutes Agency action under the APA on all such applications for permit renewals. Therefore, all expired, continued individual permits for these facilities are invalid as of the effective date of this general permit.

(b) For new dischargers, 30 days prior to commencement of discharge within the permit area.

(c) This general permit does not apply to dischargers with current (i.e., not expired) individual NPDES permits, until the individual permit is terminated in accordance with 40 CFR 122.28(b)(2)(v) and 124.5.

4. Owners or operators shall notify the Regional Administrator and the appropriate State Director upon permanent termination of discharge from their facilities.

5. Facilities within the geographic scope of these general permits, discharging from outfalls as authorized by these permits, must be authorized to discharge by either the appropriate

general permit, or an individual NPDES permit.

Part II

A. Operation and Maintenance of Pollution Controls

1. *Proper Operation and Maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

2. *Need to Halt or Reduce Not A Defense.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. *Bypass of Treatment Facilities.*

(a) *Definitions.*

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natual resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) *Bypass Not Exceeding Limitations.* The permittee may allow any bybass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to Part II, 3 (c) and (d) of this permit.

(c) *Notice.*

(1) *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

(2) *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in Part I.D.3. (24-hour notice).

(d) *Prohibition of Bypass.*

(1) Bypass is prohibited, and the Regional Administrator may take enforcement action against the permittee for bypass unless:

(A) Bypass was unavoidable to pervent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (c) of this section.

(2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in paragraph (d)(1) of this section.

4. *Upset Conditions.*

(a) *Definition.* "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) *Effect of an Upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination, made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) *Conditions Necessary for a Demonstration of Upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Part I.D.3. (24-hour notice); and

(4) The permittee complied with any remedial measures required under Part II.B.4 (Duty to Mitigate).

(d) *Burden of Proof.* In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. *Removed Substances.* Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent pollutant from such materials from entering navigable waters.

B. General Conditions

1. *Duty to Comply.* The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action or for requiring a permittee to apply for and obtain in an individual NPDES permit.

2. *Duty to Comply with Toxic Effluent Standards.* The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3. *Penalties for Violations of Permit Conditions.* The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act, is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Act, is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisionment for not more than 1 year, or both.

4. *Duty to Mitigate.* The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. *Permit Actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. *Civil and Criminal Liability.* Except as provided in permit conditions on "Bypasses" (Part II.A.3.) and "Upsets" (Part II.A.4.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. *Oil and Hazardous Substance Liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

8. *State Laws.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.

9. *Property Rights.* This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

10. *Severability.* The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

11. *Spill Prevention Control and Countermeasure Plans (SPCC).* The facility shall have a complete SPCC, plan, if required, which conforms to EPA's SPCC regulations (40 CFR Part 112). Transportation related facilities subject to Department of Transportation jurisdiction are excluded from this requirement. Violations of a facility SPCC plan are subject to penalty provisions set forth in 40 CFR Part 112 and are not to be construed as violations of this permit.

12. *NPDES Point Source Discharges Not Covered by This Permit.* Owners or operators of PST facilities with outfalls not authorized in Part I of this permit and discharging directly into "Waters of the United States" as defined by 40 CFR 122.2 shall make application for an individual NPDES permit to authorize outfalls not permitted under the general permit. Such action shall not terminate provisions of this general permit pertaining to the outfalls authorized in Part I. The owners or operators shall notify EPA, Region VI, Permits Issuance Section (6W–PS) and request a permit application for other outfalls not permitted or covered under the general permit.

13. *Permit Applicability.* The permit is applicable only to facilities which are direct discharges into "waters of the United States" as defined in 40 CFR 122.22 and are subject to the requirements of section 301 and 402 of the Clean Water Act.

C. Additional General Permit Conditions

1. *When the Regional Administrator May Require Application for an Individual NPDES Permit.* The Regional Administrator may require any person authorized by this permit to apply for and obtain an individual NPDES permit when:

(a) The discharge(s) is a significant contributor of pollution;

(b) The discharger is not in compliance with the conditions of this permit;

(c) A change has occurred in the availability of the demonstrated technology or practices for the control of abatement of pollutants applicable to the point source;

(d) Effluent limitation guidelines are promulgated for point sources covered by this permit;

(e) A Water Quality Management Plan containing requirements applicable to such point source is approved; or

(f) The point source(s) covered by this permit no longer:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations or operating conditions;

(4) Require the same or similar monitoring; and

(5) In the opinion of the Director, are more appropriately controlled under a general permit than under individual NPDES permits.

The Regional Administrator may require any owner or operator authorized by this permit to apply for an individual NPDES permit only if the operator has been notified in writing that a permit application is required.

2. *When an Individual NPDES Permit May be Requested.*

(a) Any operator authorized by this permit may request exclusion from the coverage of this general permit by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request to the Regional Administrator no later than 90 days after the publication by EPA of this general permit in the **Federal Register.**

(b) When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to that owner or operator is automatically terminated on the effective date of the individual permit.

(c) A source excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source.

Part III

A. Oil/Water Separator Design Criteria

1. Any discharge from an oil/water separator meeting the following criteria shall be exempt from the monitoring requirements for this permit:

(a) (i) The horizontal velocity through the separator shall not exceed three feet per minute except when the maximum runoff rate from a 24–hour once in 25-year rainfall event is exceeded.

(ii) The detention time of water flowing through the separator shall be at least twenty (20) minutes except when the maximum rainfall rate from a 24-hour, 25-year rainfall event is exceeded; and

(iii) The separator shall be capable of treating the maximum rainfall runoff rate from a 24-hour, 25-year rainfall event draining to it during the runoff period. Or,

(b) Any wastewater treatment system which has been monitored on at least a quarterly basis over a period of at least two (2) years and which has been in compliance with the 30 mg/l limitation specified in Part I.A. of this permit in at least 95 percent of the monitored samples shall be presumed to satisfy the design criteria of this part.

B. Definitions

1. "No Discharge of Free Oil" means that no discharge shall occur which results in a sheen.

2. "Sheen" means an iridescent appearance on the surface of water.

3. The "daily average" limitation for oil and grease stated in this permit shall be deemed to have exceeded if either:

(a) The arithmetic average of the analyses of all representative samples taken during a quarter by the permittee in accordance with the monitoring requirements set forth above exceeds 30 mg/l; or

(b) The analyses of any two representative grab samples taken at least six (6) hours apart during any thirty (30) day period each individually exceed 30 mg/l.

If only one grab sample is taken in a quarter, the results of the analysis of that sample shall be the daily average of the quarter.

4. "Quarter" means a three month period with the first quarter commencing on first day of the first following the effective day of this permit.

5. "Petroleum Storage and Transfer Facility" or "PST facility" means any facility which stores, in one or more stationary bulk storage receptacles, petroleum products, however received, and subsequently transfers, distributes or sells such petroleum and petroleum products in large quantities, via pipeline, marine transportation, tank car or tank truck, to the wholesale or commercial market. PST facilities include marketing and pipeline terminals (which receive petroleum and petroleum products primarily via pipeline, ship or barge and dispense it via delivery vessel or vehicle); marketing bulk plants (which receive and dispense petroleum and petroleum products primarily via delivery vehicle); pipeline breakout terminals (which primarily store and return petroleum and petroleum products to the pipeline system but do not dispense such products to delivery vessels or vehicles), diesel dispensing facilities with diesel storage capacity exceeding 42,000 gallons and which are equipped with oil water separators, and airport terminals which are equipped with oil water separators and secondary containment areas (terminals on or adjacent to airports which dispense petroleum and petroleum products primarily via airport delivery vehicles). The term "PST facility" does not include any facility which is a part of a crude oil and gas production facility, a natural gas or gasoline plant, a petroleum refinery or any facility which stores or transfers non-petroleum products. Crude oil storage and production facilities associated with oil and gas production fields are excluded from coverage under the general permit for PST facilities. Any lease tank batteries or other tankage or loading facilities at oil and gas production sites are excluded from coverage under the general permit for PST facilities.

6. "Petroleum" and "Petroleum products" means gasoline, diesel fuel, aviation fuel, fuel oils, gasoline additives stored and used in conjunction with gasoline storage, petroleum lubricants, petroleum solvents or petroleum derived asphalts.

[FR Doc. 84-17911 Filed 7-11-84; 8:45 am]
BILLING CODE 6560-50-M

[WH-FRL-2613-3]

Direct Implementation of the Underground Injection Control Program for the State of Tennessee

AGENCY: Environmental Protection Agency.

ACTION: Proposed Exemption.

SUMMARY: The Environmental Protection Agency (EPA), Region IV has received Underground Injection Control (UIC) permit applications from three industrial facilities located near New Johnsonville and Mt. Pleasant, Tennessee, that inject waste fluids directly into an underground source of drinking water (USDW). As part of the permitting process a decision to exempt specific portions of the Knox Aquifer System from classification as an USDW must be made by the Administrator. Prior to the Administrator making a final decision to approve or disapprove the exemption EPA is publishing this notice to announce that, under the provisions of the Safe Drinking Water Act (SDWA), the Agency has made a preliminary decision to exempt specific portions of the Knox Aquifer System in the State of Tennessee for deep well injection purposes; public comments are requested; and that a public hearing has been scheduled.

DATES: Public hearings have been scheduled for August 7, 1984 at 7:30 p.m. at the Waverly City Hall Conference Room in Waverly, Tennessee; and for August 8, 1984 at 7:30 p.m. at the Mount Pleasant High School in Mount Pleasant, Tennessee. EPA will accept public comments on the proposed exemption until midnight, August 20, 1984, either in writing or at the informal public hearing. EPA reserves the right to forego any hearing in which sufficient public interest is not expressed. Those persons who had expressed an interest in the public hearing will be notified.

ADDRESS: Written requests to comment should be sent to David Peacock, Chief, Groundwater Section, Water Supply Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: David Peacock, Chief, Groundwater Section, Environmental Protection Agency (404) 881-3866.

SUPPLEMENTARY INFORMATION: The Agency has confirmation on injection activities that are occurring directly into the Knox Aquifer System in central Tennessee. The hydrogeological data reviewed indicates that the Knox geological unit is an underground source of drinking water (USDW). An underground source of drinking water means an aquifer or its portion:

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

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

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

(ii) Contains fewer than 10,000 mg/1 total dissolved solids; and

(b) Which is not an exempted aquifer.

The Administrator of EPA may exempt specific aquifers or portions thereof if the aquifer meets the criteria established in 40 CFR 146.4. The Agency is reviewing available information, to determine whether a portion of the Knox Aquifer System satisfies the criteria at 40 CFR 146.4(a) and (b)(3): it does not currently serve as a source of drinking water; and it cannot now and will not in the future serve as a source of drinking water because it is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption.

A public hearing is being scheduled to solicit comments on this proposed action. A decision to approve or disapprove the exemption will be made after a complete review of all available information and public comment.

Additional information and descriptions of the proposed exempted portions of the aquifer and their locations is available for review in the EPA Regional Office, 345 Courtland Street, Atlanta, Georgia 30308, (404) 881-3781.

Dated: July 9, 1984.

Henry Longest II,

Acting Assistant Administrator for Water.

[FR Doc. 84-18618 Filed 7-11-84; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

First Federal Savings and Loan Association of Redding, Redding, California; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6) (A) and (B) of the Home Owners Loan Act, as amended, 12 U.S.C. 1464(d)(6) (A) and (B) (1982), the Federal Home Loan Bank Board appointed Mack A. Henley as conservator for First Federal Savings and Loan Association of Redding, Redding, California, effective June 29, 1984.

Dated: July 2, 1984.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 84-18503 Filed 7-11-84; 8:45 am]
BILLING CODE 6720-01-M

[No AC-384]

First Western Savings and Loan Association of Oklahoma City, Oklahoma City, Oklahoma; Final Action Approval of Conversion of Application

June 29, 1984.

Notice is hereby given that on June 5, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of First Western Savings and Loan Association of Oklahoma City, Oklahoma City, Oklahoma, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, Post Office Box 176, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 84-18504 Filed 7-11-84; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

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, N.W., 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 requirement 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.: 202-007680-051.

Title: American West African Freight Conference.

Parties:

America-Africa Line
Barber West Africa Line
Cameroons Shipping Line
Companhia Nacional de Navegacao
Farrell Lines, Inc.
Medafrica Line
Nigeria America Line, Ltd.
Societe Ivoirienne de Transport Maritime
Torm West Africa Line
Westwind Africa Line

Synopsis: The proposed amendment would increase the conference admission fee from twenty-five thousand dollars to fifty thousand dollars.

By Order of the Federal Martime Commission.

Dated: July 9, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-18502 Filed 7-11-84; 8:45 am]

BILLING CODE 6730-01-M

Intent To Terminate Agreement Approval

Agreement No.: T-4052.

Title: Richmond, California Marine Terminal Agreement.

Parties:

The City of Richmond, California
Johnson ScanStar

Synopsis: The parties to the referenced agreement having provided notice of the termination of the agreement, the Commission hereby gives notice of its intent to terminate its previously granted approval of the agreement effective July 2, 1984, the date the Commission received the parties' termination notice.

By Order of the Federal Maritime Commission.

Dated: July 9, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-18501 Filed 7-11-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Affiliated Bankshares of Colorado, Inc., Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed 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 premissible 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 undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regardng the application must be reveived at the Reserve Bank indicated or the offices of the Board of Governors not later than August 3, 1984.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Affiliated Bankshares of Colorado, Inc.*, Boulder, Colorado; to acquire 95.1 percent of voting shares of Intrawest Financial Corporation, Denver, Colorado; and to indirectly acquire Intrawest Bank of Aurora, N.A., Aurora; Intrawest Bank of Bear Valley, N.A., Denver; Intrawest Bank of Bolder, N.A., Boulder; Intrawest Bank of Colorado Springs, N.A., Colorado Springs; Intrawest Bank of Fort Collins, N.A., Fort Colloins; Intrawest Bank of Grand Junction, Grand Junction; Intrawest Bank of Greeley, N.A., Greeley; Intrawest Bank of Highlands Ranch, N.A., Highlands Ranch, Intrawest Bank ot Montrose, N.A., Montrose; Intrawest Bank of Northglenn, N.A., Northglenn; Intrawest Bank of Pueblo. N.A., Pueblo; Intrawest Bank of Southglenn, N.A., Littleton; Intrawest Bank of Southwest Plaza, N.A., Littleton; Intrawest Bank of Steamboat Springs, N.A., Steamboat

Springs, Intrawest Bank of Sterling, Sterling; all in Colorado; and to acquire Intrawest Insurance Agency, Inc., Denver, Colorado, thereby continuing to engage in the activity of acting as agent for the sale of credit related life, health and accident insurance directly related to extensions of credit by subsidiary banks of Intrawest Financial Corporation and to engage in the activity of acting as agent for the sale of mortage credit life, accident and health insurance to customers of Intrawest Mortgage Company, Denver, Colorado; and to acquire Intrawest Leasing Company, Denver, Colorado, thereby continuing to engage in the activity of leasing personal and real property; and to acquire Intrawest Mortgage Company, Denver, Colorado, thereby continuing to engage in mortgage banking activities, including direct lending, mortgage servicing and arranging real estate equity financing.

Board of Governors of the Federal Reserve System, July 6, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18369 Filed 7-11-84; 8:45 am]

BILLING CODE 6210-01-M

First Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the 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 August 2, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First Bancshares, Inc.*, Grove Hill, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank of Grove Hill, Grove Hill, Alabama.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Bay Lake Bancrop, Inc.*, Kewaunee, Wisconsin; to become a bank holding company by acquiring 80 percent or more of the voting shares of Union State Bank, Kewaunee, Wisconsin.

2. *Dixon Bancorp, Inc.*, Dixon, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The Dixon National Bank, Dixon, Illinois. Comments on this application must be received not later than July 29, 1984.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Farmers State Bancshares of Sabetha, Inc.*, Sabetha, Kansas; to become a bank holding company by acquiring 86.60 percent of the voting shares of Farmers State Bank, Sabetha, Kansas. Comments on this application must be received not later than July 27, 1984.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Victoria Corporation*, Victoria, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First Victoria National Bank, Victoria, Texas.

2. *Fresnos Bancshares, Inc.*, Los Frenos, Texas; to acquire 100 percent of the voting shares of First Bank of Port Isabel, N.A., Port Isabel, Texas, a *de novo* bank.

3. *Minden Bancshares, Inc.*, Minden, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Minden Bank & Trust Company, Minden, Louisiana.

4. *Plaza Bancshares, Inc.*, Fort Worth, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of River Plaza National Bank, Fort Worth, Texas.

Board of Governors of the Federal Reserve System, July 6, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18371 Filed 7-11-84; 8:45 am]

BILLING CODE 6210-01-M

First Victoria Corp.: Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under § 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. 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 accomplished by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be recieved at the Reserve Bank indicated or the offices of the Board of Governors not later than August 3, 1984.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *First Victoria Corporation*, Victoria, Texas; to acquire First Victoria Insurance Company, Victoria, Texas and thereby continue to act as a credit reinsurance company by assuming credit life and credit disability insurance on customers of First Victoria Bank, Victoria, Texas.

Board of Governors of the Federal Reserve System, July 6, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18370 Filed 7-11-84; 8:45 am]

BILLING CODE 6210-01-M

Kansas National Bancorporation, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 1, 1984

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Kansas National Bancorporation, Inc.*, Goodland, Kansas; to engage through its subsidiary First Insurance Agency, Inc., Goodland, Kansas in leasing personal property or acting as agent, broker or advisor in leasing such property and leasing real property or acting, as such, agent, broker or advisor in leasing such property.

Board of Governors of the Federal Reserve System, July 6, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18372 Filed 7-11-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84F-0222]

Pennwalt Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Pennwalt Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of dodecyl diphenyl oxide disulfonic acid, sulfonated tall oil fatty acid, and neo-decanoic acid as components in a sanitizing solution for use on food-processing equipment and utensils that contact food, and on glass bottles and other glass containers intended for holding milk.

FOR FURTHER INFORMATION CONTACT: Faye S. Gibson, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 State. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4H3808) has been filed by Pennwalt Corp., Three Parkway, Philadelphia, PA 19102, proposing that the food additive regulations be amended to provide for the safe use of dodecyl diphenyl oxide disulfonic acid, sulfonated tall oil fatty acid, and neo-decanoic acid as components in a sanitizing solution for use on food-processing equipment and utensils that contact food, and on glass bottles and other glass containers intended for holding milk.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: July 2, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84-18363 Filed 7-11-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84F-0166]

Shell Oil Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Shell Oil Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of butene/ethylene copolymers containing up to 6 percent by weight of ethylene as articles or components of articles intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B3771) has been filed by Shell Oil Co., Suite 200, 1025 Connecticut Ave. NW., Washington, DC 20036, proposing that 21 CFR Part 177 of the food additive regulations be amended to provide for the safe use of butene/ethylene copolymers containing up to 6 percent by weight of ethylene as articles or components of articles intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: July 2, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84-18301 Filed 7-11-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84F-0165]

Union Carbide Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Union Carbide Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polysulfone resins as articles or components of articles for single-service use in contact with food.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B3792) has been filed by Union Carbide Corp., P.O. Box 670, Bound Brook, NJ 08805, proposing that the food additive regulations be amended to provide for the safe use of polysulfone resins as articles or components of articles for single-service use in contact with ready-prepared foods kept in frozen or refrigerated storage intended to be re-heated in the container at time of use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: July 3, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84-18302 Filed 7-11-84; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[OMB-004-N]

Inventory and Schedule of Reviews of Commercial Activities Performed by HCFA

AGENCY: Health Care Financing Administation (HCFA), HHS.

ACTION: General notice.

SUMMARY: It is the policy of the Federal government to rely on commercial sources, that is, private businesses to supply the products and services the government needs. In doing so, the government does not compete with private businesses. As a result of this policy, each Federal agency conducts an inventory of commercial activities performed by government staff and makes it available to its employees and the public. In addition, each agency performs cost comparison reviews to compare the present cost of performing commercial activities using government facilities and personnel with the cost of performing those activities under contract. These cost comparison reviews are used to determine who will do the work.

This notice announces our inventory of commercial activities and our schedule of cost comparison reviews.

FOR FURTHER INFORMATION CONTACT: Tom Hessenauer, 301-594-8154.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the authority of the Budget and Accounting Act of 1921 (31 U.S.C. 1 *et seq.*), and the Office of Federal Procurement Policy Act Amendments of 1979 (41 U.S.C. 401 *et seq.*), the Executive Office of Management and Budget (EOMB) has promulgated OMB circular No. A-76 which directs each Federal agency to rely on commercial sources to supply products and services, whenever possible.

Under the authority of the above cited acts and procedural requirements of the Executive Office of Management and Budget (EOMB), we, along with other government agencies, are required to identify commercial activities that we perform using government staff and facilities that might be obtained more economically from a commercial source (private business). Commercial activities are those HCFA activities that provide a product or service which could be obtained from a commercial source and which are not inherently governmental in nature.

In general, government performance of a commercial activity is authorized when:

(1) There is no satisfactory commercial source available;

(2) The Secretary of Defense determines that government performance of a commercial activity is required for national defense reasons;

(3) The agency head, in consultation with the agency's chief medical director, determines that in-house performance of commercial activities performed at hospitals operated by the Government would be in the best interests of direct patient care; and

(4) Cost comparisons studies demonstrate that the government is performing the commercial activity at an estimated lower cost than a qualified commercial source.

To determine if our performance of a commercial activity is justified, we conduct a cost comparison review of the activity to demonstrate whether we can perform the activity on an ongoing basis at an estimated lower cost than a qualified commercial source.

To comply with EOMB requirements (as required by OMB Circular No. A-76, 08-04-83), we have developed the following inventory and schedule of cost comparison reviews for commercial activities we now perform using our staff and government facilities. To notify the public, we also published this review schedule in Commerce Business Daily on May 21, 1984.

Title	Location	Date of review
Central Office Warehouse Inventory Processor.	Baltimore, MD	10/84
Warehousing Printed Materials	Baltimore, MD	10/84
Legislative Reference Library	Baltimore, MD	10/84
Transcriber Services	Baltimore, MD	12/84
Data Dictionary Development and Implementation.	Baltimore, MD	08/84
Coding Translation and Maintenance.	Baltimore, MD	10/84
Data Entry	Baltimore, MD	07/84
Centralized Typing (Lock-box Phase II).	Baltimore, MD	07/84

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; No. 13.773, Medicare-Hospital Insurance; No. 13.774, Medicare-Supplementary Medical Insurance)

Dated: June 28, 1984.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 84-18482 Filed 7-11-84; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of August 1984:

Name: National Advisory Council on Nurse Training.

Date and Time: August 22, 1984, 8:30 a.m.

Place: Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Closed on August 22, 8:30 a.m. to 5:00 p.m.

Purpose: The Council advisers the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of Title XXVII, National Health Service Corps, Health Professions Education, Nurse Training Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRSA.

Agenda: The meeting will be closed to the public on August 22, 1984 for the review of grant applications for research project grants. The closing is in accordance with the provision set forth in section 552b(c)(6). Title 5, U.S. Code and the Determination by the Acting Administrator, Health Resources and Services Administration, pursuant to section 10(d) of Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contact Dr. Mary S. Hill, Bureau of Health Professions, Health Resources and Services Administration, Room 5C–04, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6193.

Agenda items are subject to change as priorities dictate.

Dated: July 9, 1984.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 84–18435 Filed 7–11–84; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Application and Prevention Advisory Committee, Division of Epidemiology and Clinical Applications, National Heart, Lung, and Blood Institute, National Institutes of Health, September 25, 1984. The meeting will be held in Conference Room B119, Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland 20205.

This meeting will be open to the public on September 25 from 9:00 a.m. to adjournment to discuss new initiatives, program policies and issues. Attendance by the public is limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide a summary of the meeting and a roster of committee members upon request. Dr. William Friedewald, Executive Secretary of the Committee, Federal Building, Room 212, Bethesda, Maryland 20205, phone (301) 496–2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: July 2, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84–18416 Filed 7–11–84; 8:45 am]

BILLING CODE 4140–01–M

National Arthritis Advisory Board; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Board on September 7, 1984, 9:00 a.m. to adjournment, at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, Virginia, 22202. The meeting, which will be open to public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of the long-range plan to combat arthritis. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in Hotel lobby.

Certain subcommittees of the Board will meet September 6, 1984. Further information, times and meeting locations of the subcommittees may be obtained by contacting Mr. William Plunkett, Executive Director, National Arthritis Advisory Board, P.O. Box 30286, Bethesda, Maryland 20205, (301) 496–1991. The agenda and rosters of the members can also be obtained from his office. Summaries of the meeting may be obtained by contacting Carole A. Frank, Committee Management Office, NIADDK, National Institutes of Health, Room, 9A47, 31A, Bethesda, Maryland 20205, (301) 496–6917.

Dated: July 2, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84–18417 Filed 7–11–84; 8:45 am]

BILLING CODE 4140–01–M

National Digestive Diseases Advisory Board; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Digestive Diseases Advisory Board on August 2, 1984, 8:30 a.m. to adjournment, at the Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, Virginia 22202. The meeting, which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of current digestive diseases plan. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

Dr. Ralph Bain, Executive Director, National Digestive Diseases Advisory Board, P.O. Box 30377, Bethesda, Maryland 20084, (301) 496–2232, will provide an agenda and roster of members. Summaries of the meeting may be obtained by contacting Mrs. Carole Frank, Committee Management Officer, NIADDK, National Institutes of Health, Room 9A46, Building 31, Bethesda, Maryland 20205, (301) 496–5765.

Dated: July 6, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84–18418 Filed 7–11–84; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N–84–1409; FR–1897]

Section 8 Vouchers and Certificates

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

ACTION: Notice of funding availability.

SUMMARY: This Notice (1) informs the public that HUD is establishing a rental rehabilitation component and freestanding component of the demonstration Housing Voucher Program authorized under section 8(o) of the U.S. Housing Act of 1937, (2) informs the public that HUD will also make funding available for Certificates under

the section 8 Existing Housing (Certificate) Program for use in connection with the Rental Rehabilitation Program, and (3) sets forth the policies and procedures for use of these Vouchers and Certificates.

DATES: Effective date: July 12, 1984. Comment due date: September 10, 1984.

ADDRESS: HUD invites interested persons to submit comments on this Notice to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., 20410. Comments should refer to the docket number and title. A copy of each set of comments submitted will be available for public inspection and copying during regular business hours at this address. Any changes made in response to comments will apply to future rounds of funding.

FOR FURTHER INFORMATION CONTACT: For Vouchers and Certificates: Madeline Hastings, Room 6124, Existing Housing Division, (202) 755–6887, or Gerald Benoit, Room 6128, Existing Housing Branch, (202) 755–5720. For the Rental Rehabilitation Program: Robert Dodge, Room 7170, (202) 755–5685, or Craig Nickerson, Room 7164, (202) 755–5970, Office of Urban Rehabilitation. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., 20410. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION:

The Rental Rehabilitation Components of the Section 8 Certificate and Voucher Programs and the Freestanding Component of the Section 8 Voucher Program

I. Background

I. Housing Voucher Program

Congress recently authorized a demonstration Voucher Program under section 8(o) of the U.S. Housing Act of 1937 (the 1937 Act) (see section 207 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98–181 (the 1983 Act)).

Under the new statutory authority, HUD is establishing two components of the Voucher Program. Sections III and V of this Notice set forth the rules for Vouchers to be used in connection with the Rental Rehabilitation Program. These Vouchers may be used to assist Families who live in projects to be rehabilitated under the Rental Rehabilitation Program (whether or not they remain in the rehabilitated projects), and Families from the PHA's waiting list for the Certificate Program who agree to move into the rehabilitated projects.

HUD is also establishing a freestanding component of the Voucher Program under Sections IV and V to compare the Vouchers Program with the Certificate Program. Part IV sets forth the design features unique to the freestanding Voucher component. The policies and procedures under Section V are the same for the freestanding and rental rehabilitation components of the Voucher Program.

The Voucher Program draws upon HUD's experience with the Experimental Housing Allowance Program (EHAP), and improves upon the current Section 8 Existing Housing (Certificate) Program in several important ways.

The following describes some of the important differences between the Certificate and Voucher Programs.

—Voucher assistance is usually based on the difference between the standard used by the PHA to determine the subsidy level for a class of Families (Payment Standard or Adjustment Standard) and 30 percent of adjusted Family income. Certificate assistance equals the difference between the rent (including utilities) and the Family share of the rent (usually 30 percent of adjusted income).

—The rent for a unit under the Certificate Program must be within the Fair Market Rent limitations. A Voucher Family may rent a unit for more or less than the Payment Standard or Adjustment Standard, but the amount of assistance is the same (except that no Family may pay less than a minimum rent of 10 percent of unadjusted income). This program feature gives the Family more choice in the housing market if the Family is willing to pay more of its income towards rent. The Voucher design also gives the Family an incentive to select a less expensive unit. When the Family rents a unit for less than the Payment Standard, it receives the savings in the form of a reduced Family contribution to rent so long as the Family pays the minimum rent.

—The Voucher Program gives the PHA discretion to make two adjustments in the amount of the assistance over five years to assure contunued affordability. Where an adjustment is not necessary or the PHA chooses not to provide affordability adjustments, or funds are otherwise available under the ACC, the PHA may use available funds to assist additional Families. Under the Certificate Program, there are annual adjustments of the rent payable to the landlord. The Voucher approach gives the PHA the responsibility to decide whether and when subsidy adjustments for affordability are appropriate. Under both programs, there are required annual adjustments based on changes in Family income and composition.

—HUD will execute an ACC for the Voucher Program in an amount equal to five times the total of (1) 115 percent of the HUD-estimated amount of the first year's actual expenditures for Voucher payments (estimated subsidy) plus (2) the HUD-estimated average annual amount of PHA administrative fees. HUD does not intend to provide additional funds. Under the Certificate Program, HUD reserves authority based on the full FMRs for the units, assuming

no Family contribution. The Excess of the amount reserved over the actual expenditures approved by HUD is a reserve to cover increases in Contract Rents and decreases in Family incomes. HUD amends the ACC for the Certificate Program if necessary where the reserve is not sufficient.

—Under the Cetificate Program, the Owner may require a Family to pay a security deposit equal to the greater of one month's total tenant payment or $50. If the security deposit is insufficient to reimburse the Owner for amounts owing under the lease, the Owner may claim reimbursement from the PHA up to the lesser of: (1) The amount owed the Owner or (2) two month's Contract Rent; minus, in either case, the amount the Owner could have collected from the Family. Under the Voucher Program, the Family is responsible for the entire security deposit, up to one full month's rent. Where the PHA determines that the Family is unable to pay the entire security deposit, it may advance the amount the Family cannot afford from amounts available under its ACC or may otherwise assure the Family obtains sufficient funds. If the PHA provides an advance, the Family must enter into an agreement for repayment to the PHA.

The following describes the similarities between the two programs:

—PHAs will administer both programs.

—The Finders-Keepers policy (under which Families are free to select any unit meeting program requirements) applies to both programs, except that for Certificates and Vouchers issued in support of the Rental Rehabilitation Program, the PHA will require Families selected from its waiting list to reside initially in vacant units in rental rehabilitation projects. After initial occupancy with Certificate or Voucher assistance, Families may move to any unit meeting program requirements.

—The PHA makes assistance payments to Owners on behalf of Families.

—The PHA inspects all units initially and annually to assure that they meet the Housing Quality Standards.

—The Payment Standard is equal to the Fair Market Rent published in the **Federal Register** or the exception Fair Market Rent HUD approves for a designated municipality, county or similar locality. The Fair Market Rent reflects the cost to rent modestly priced housing in various housing market areas by bedroom size.

—PHAs must recertify and verify Family income and composition annually.

—Certificates and Vouchers are issued to Very Low-Income Families. PHAs may apply to HUD for permission to issue Certificates in connection with a grantee's Rental Rehabilitation Program to Lower Income Families with income above 50 percent and up to 80 percent of the median income for the area. A limited number of such exceptions are available to cover requests from all programs under the 1937 Act. Requests for exceptions must include justification as prescribed in 24 CFR Part 813 (see 49 FR 19926, May 10, 1984). No comparable flexibility is available for Vouchers under the 1937 Act.

Section V.5.(g) of the Notice contains procedures for continued participation in the Voucher Program if a Family moves. These procedures follow those now contained in Part 882 for the Section 8 Certificate Program for moves within the same jurisdiction or to a different jurisdiction. In addition, as part of the Voucher Program, HUD is instituting procedures to assure portability of assistance for Voucher Families who move to a different market area in a different State, by setting aside authority to fund approximately 200 Certificates. This portability feature has been structured to avoid disruption those systems already in place in many jurisdictions that serve Families moving within the same market area or State.

HUD is considering expanding the procedures for providing portability across State boundaries to include the Certificate Program and plans to develop amendments to Part 882 for this purpose. HUD continues to be interested in encouraging portability for Families assisted by Vouchers or Certificates who make intrastate moves, and invites comment on other approaches that might complement the procedures now in effect.

2. Certificate Program

In support of the Rental Rehabilitation Program, HUD is also planning to make special allocations of funding available for issuance of Certificates under the section 8 Existing Housing (Certificate) Program, 24 CFR Part 882, Subparts A and B (which was amended at 49 FR 12215, March 29, 1984; effective May 10, 1984). This funding, like the Voucher assistance, may be used to assist Families who live in projects to be rehabilitated under the Rental Rehabilitation Program, whether or not they remain in the rehabilitated units, and Families from the PHA's waiting list for the Certificate Program who agree to move into the rehabilitated projects. Section III of this Notice set forth the rules for these Certificates which apply in addition to the program regulations. (References elsewhere in this Notice to HUD regulations do not include the "24 CFR" designation. For example, 24 CFR 882.102 is referred to as §882.102.)

3. Rental Rehabilitation Program

HUD published regulations at 24 CFR Part 511 (see 49 FR 16936, April 20, 1984) implementing the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937, which was added by section 301 of the 1983 Act. Part 511 became effective on May 24, 1984. Under the Rental Rehabilitation Program, HUD will make rental rehabilitation grants to State and local governments to help support the rehabilitation of privately owned real property to be used for primarily residential rental purposes. Grants are made on a formula basis to cities with populations of 50,000 or more, urban counties, States and qualifying consortia of geographically proximate units of general local government within the same State.

The purpose of the program is to help provide affordable, standard rental housing for Lower Income Families, and to increase the availability of housing units for the use of Voucher and Certificate holders.

Subject to the availability (as determined by HUD) of funding for Certificates and Vouchers, HUD will allocate funding for use in connection with the Rental Rehabilitation Program to minimize the displacement of Families residing in projects to be rehabilitated with rental rehabilitation grants, to assist Familes who move from projects undergoing assisted rehabilitation activities, and to assist Families who move into rehabilitated projects after rehabilitation.

II. Definitions

For purposes of the Voucher Program, the following definitions apply.

Adjustment Standard. The amount established by the PHA as the basis for providing affordability adjustments under section V.7 of this Notice.

Annual Contributions Contract (ACC). A written agreement between HUD and a PHA to provide annual contributions to the PHA for Voucher payments and administrative fees to the PHA.

Decent, Safe, and Sanitary Housing. Hosing which meets the Housing Quality Standards of § 882.109 or, for SRO Housing section V.9.(c) of this Notice.

Eligible Family (Family). A family as defined in 24 CFR Part 812 which (a) qualifies as a Very Low-Income Family at the time it initially receives assistance under the PHA's Voucher

Program, or (b) is continuously assisted under the U.S. Housing Act of 1937.

HUD. The Department of Housing and Urban Development or its designee.

Owner. Any person or entity having the legal right to lease or sublease Decent, Safe, and Sanitary Housing.

Payment Standard.

(a) The Fair Market Rent (by number of bedrooms) published for effect in the Federal Register for the section 8 Certificate Program, or the exception Fair Market Rent approved by HUD for a designated municipality, county or similar locality under § 882.106(a)(3).

(b) For SRO Housing, the Payment Standard shall be proposed by the PHA for HUD approval, but shall be in a range from 75 to 100 percent of the applicable published 0-bedroom Fair Market Rent or the HUD-approved exception Fair Market Rent. Within this range, the Payment Standard for SRO Housing shall reflect the presence or absence of sanitary and/or food preparation facilities within the unit and what must be paid to obtain privately owned, existing, Decent, Safe, and Sanitary rental SRO Housing of modest (non-luxury) nature with suitable amenities.

(c) The Payment Standard for Independent Group Residences (see section V.9.(b)) shall be determined by taking the appropriate dollar amount of the Payment Standard for the entire residence (for example, the 4-bedroom Payment Standard for a 4-bedroom residence) and dividing that amount by the total number of potential occupants (assisted and unassisted).

Public Housing Agency (PHA). Any State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of lower income housing.

SRO (Single Room Occupancy) Housing. A unit for occupancy by a single eligible individual capable of independent living which does not contain sanitary and/or food preparation facilities in accordance with § 882.109 (a) and/or (b). See, also, section V.9(c) of this Notice.

Very Low-Income Family. A Family whose income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger Families. HUD may establish income limits higher or lower than 50 percent of the median income where it finds that variations are necessary because of unusually high or low incomes.

Voucher. A document issued by a PHA declaring a Family to be eligible for participation in the Voucher Program and stating the terms and conditions for the Family's participation.

Voucher Contract (Contract). A written contract between a PHA and an Owner, in the form prescribed by HUD, to make Voucher payments to an Owner on behalf of an Eligible Family.

III. Allocations of, Invitations for, Applications for, and Use of Certificates and Vouchers in Connection With the Rental Rehabilitation Program

This section sets forth the design features which apply to both Certificates and Vouchers available for us in connection with the Rental Rehabilitation Program. Section V contains the rules for operating the Voucher Program which apply to both the rental rehabilitation and freestanding components of the program, with the few differences noted there. Section IV contains the special rules for the freestanding component of the Voucher Program.

1. Allocations

(a) Subject to the availability (as determined by HUD) of sufficient contract and budget authority (authority), HUD shall allocate authority for up to one Certificate or Voucher for each $5,000 of rental rehabilitation grant amounts received by a grantee. HUD will not consider requests to reserve authority for more than one Certificate or Voucher for each $5,000 of rental rehabilitation grant amounts.

(b) Authority reserved for each Certificate or Voucher will be calculated on the basis of the published Fair Market Rent for a two-bedroom unit. The Voucher authority reserved will also vary based on the incomes of those expected to be assisted. The actual number of Families assisted will vary based on actual program administration.

(c) If a grantee's program or a State's allocation under the HUD-administered Rental Rehabilitation Program for Small Cities qualifies for 25 or fewer units, PHAs, will receive authority only for the Certificate Program. If a grantee's program or a State's allocation under the HUD-administered program qualifies for more than 25 units, PHAs will receive contract and budget authority to support approximately 62 percent Certificates and 38 percent Vouchers. These percentages will apply on a statewide basis in the case of State grantees and the HUD-administered program.

2. Invitations for Certificate and Voucher Program Applications

(a)(1) After HUD has determined the amount of contract and budget authority to allocate for Certificates and Vouchers in connection with a grantee's Rental Rehabilitation Program, it shall invite one or more PHAs to submit applications. HUD shall invite the PHA administering the Certificate Program in the grantee's jurisdiction ("local PHA") unless the grantee has indicated, in response to informal HUD inquiries, that it wants one or more other PHAs. Where the grantee has so indicated, the grantee, the local PHA, and HUD shall discuss the matter. If the local PHA wants to administer the assistance in connection with the grantee's program, HUD shall decide which PHA or PHAs to invite, based on HUD's determination of which can provide the most efficient and effective program administration. If the local PHA does not want to administer the assistance, HUD may invite the other PHA or PHAs indicated by the grantee, or one or more other PHAs, based on HUD's determination of which can provide the most efficient and effective program administration.

(2) In considering which PHA or PHAs to invite to apply, HUD will not permit PHAs to administer duplicative Certificate Programs in the same area.

(b) An Invitation under paragraph (a) shall state:

(1) That HUD has allocated either Certificate authority or a combination of Certificate and Voucher authority for use in connection with the Rental Rehabilitation Program as provided in this Notice;

(2) The amount of authority available for each program and the estimated number of units for each program (based on all units having two bedrooms) that the authority will support;

(3) The name of the rental rehabilitation grantee, with a statement that before the ACC is executed the PHA and the grantee (or the State recipient as defined in § 511.2 where a State is distributing the grant to units of local government) must enter into a memorandum of understanding (see section III.6);

(4) The PHA's application for Certificate or Voucher assistance shall be submitted at the same time as the grantee submits its program description or at such other time as HUD designates;

(5) That relevant information and forms are included with the invitation and that the PHA may obtain additional information from the HUD Field Office; and

(6) Other information or documentation the PHA must submit.

3. Submission of Applications

The PHA shall submit its application for the Certificate Program and Voucher

Program in accordance with § 882.204, with the following exceptions:

(a) Section 882.204(a)(1), relating to type of housing and recently completed housing, shall not apply.

(b) Section 882.204(a)(2), relating to the total number of units by unit size and the approximate number for the elderly, handicapped or disabled, shall not apply.

(c) The equal opportunity housing plan required under § 882.204(b)(1) shall be a combined plan covering the PHA's Certificate Program under Part 882 and this Notice and the PHA's Voucher Program under this Notice. The plan shall include any special rules for use of Certificates and Vouchers in connection with the Rental Rehabilitation Program, and for use of freestanding Vouchers.

(d) The administrative plan required under § 882.204(b)(3) shall also be a combined plan. The special functions related to Vouchers, such as computation of the Voucher payment and special tenant selection procedures in support of the rental rehabilitation and freestanding components, shall be covered. Some functions, such as computation of the Family rent in accordance with section 3(a) of the U.S. Housing Act of 1937 and Contract rent adjustments, apply only to the Certificate Program.

4. Special Procedures for State Rental Rehabilitation Programs

Where a State is the grantee under the Rental Rehabilitation Program and the identity of the PHAs which will administer the Certificate and Voucher Programs within the State is not known, or the applications of the PHAs that will administer the Voucher Program in connection with the State program have not been approved, HUD will reserve the contract and budget authority for use in connection with the State's program at the time HUD provides the State with written notification of grant approval under Part 511, or as soon as possible thereafter. When the identity of the PHAs becomes known, HUD will invite them to apply in accordance with this Notice, and the authority reserved will be transferred when HUD approves the PHAs' applications.

5. Processing of Applications

For the Certificate Program, HUD shall process applications in accordance with § 882.205. For the Voucher Program, HUD shall process applications in accordance with section V.3 of this Notice. HUD may not approve applications for Certificate or Voucher authority for use in connection with the Rental Rehabilitation Program where HUD determines that the rental rehabilitation grantee's program description does not meet that program's requirements. HUD shall reserve authority for the Certificate and Voucher Programs at the time HUD provides the grantee with written notification of grant approval under Part 511, or as soon as possible thereafter.

6. Memorandum of Understanding

The PHA and the grantee under the Rental Rehabilitation Program shall execute a memorandum of understanding setting forth the responsibilities of each party and the procedures to be followed in coordinating the use of authority for Certificates and Vouchers with rental rehabilitation grant amounts in accordance with this Notice, including a system (if applicable) governing use of Certificates by non-rental rehabilitation Families (see section III.7.(d)). Where a State is distributing the grant amounts to units of general local government (State recipients), the PHA and the State recipient shall execute the memorandum. Before HUD and the PHA execute an ACC for the Certificates or Vouchers, the memorandum shall be executed by both parties and the PHA shall submit a certification to HUD that both parties have entered into the memorandum and it is consistent with the PHA's HUD-approved administrative and equal opportunity plans. If there is an inconsistency between the PHA's administrative plan and the memorandum of understanding, the administrative plan shall prevail.

7. Use of Certificates and Vouchers

(a) *Conditioned Initial Use.* With respect only to the initial use of the Certificates and of the Voucher authority allocated for use in connection with the Rental Rehabilitation Program, the PHA shall issue Certificates and Vouchers only to Eligible Families in one of the following categories: (1) Families which live in projects to be rehabilitated under the Rental Rehabilitation Program, whether or not they move from the projects, and (2) Families which are selected from the PHA's waiting list established and maintained under § 882.209(a) and which agree to move into a rehabilitated project. Initial use means initial occupancy of a dwelling unit with Certificate or Voucher assistance. After the grantee approves a rental rehabilitation project, the PHA shall issue Certificates and Vouchers to Families living in the project to be rehabilitated sufficiently in advance of the time assistance will begin to give Families time to decide whether to move (where they are not required to move) and to give them time to locate another unit (where they are required or choose to move). Approximately 60 days before the estimated rehabilitation completion date, the PHA shall issue Certificates and Vouchers to Families selected from the PHA's waiting list who agree to move into a rehabilitated project.

(b) *Targeting of Certificates.* To help assure that the rental rehabilitation grants will be used to benefit lower income persons, HUD intends to authorize PHAs to issue Certificates to Families who live in projects to be rehabilitated under the Rental Rehabilitation Program and to Families selected from PHA waiting lists who agree to move into the rehabilitated projects. Families who live in the projects and, after initial use, Families from the waiting list are free to move to any other acceptable unit within the PHA's jurisdiction, consistent with the finders-keepers policy of § 882.103.

(c) *Maximizing Use of Certificates and Vouchers.* HUD encourages PHAs to minimize situations where funding available for Certificates or Vouchers remains unused for an excessive time. PHAs can minimize such situations by carefully coordinating use of Certificates and Vouchers with the grantee, taking advantage of the PHA's ability to use Certificates for non-rental rehabilitation Families (see paragraph (d)), and by issuing Vouchers before Certificates.

(d) *Use of Rental Rehabilitation Certificates for Other Purposes.*

(1) Because Certificates may not be needed for use in connection with the Rental Rehabilitation Program for several years, the PHA and grantee may develop a system providing for use of Certificates by other Families from the PHA's waiting list before they are needed in connection with rental rehabilitation projects, as specified in the PHA's HUD-approved administrative plan and the memorandum of understanding with the grantee or State recipient. To minimize the risk that Certificates will not be available when needed for rental rehabilitation projects, the PHA and grantee shall take into consideration such factors as the anticipated turnover rate of Certificates, the estimated dates the Certificates will be needed in connection with the rental rehabilitation projects, and the size of the rest of the PHA's Certificate Program. A PHA may use Certificate funding provided for use in connection with the Rental Rehabilitation Program for other purposes under the PHA's Certificate Program and issue another available Certificate when the rental rehabilitation need arises. If no funding

for Certificates is then available, the PHA may not issue Certificates until funding becomes available. Notwithstanding HUD's approval of the system as part of the PHA's administrative plan, HUD shall not amended the ACC to provide any additional authority for Certificates because the PHA and grantee have incorrectly assessed the availability of Certificates. If the PHA and grantee canot agree on use for other purposes, they shall consult with the HUD Field Office, which shall assist them in negotiating an appropriate system where necessary to provide for maximum feasible use of funding for Certificates and Vouchers (see paragraph (c)), consistent with sound administration of the Certificate, Voucher and Rental Rehabilitation Programs.

(2) Voucher funding may not be used in accordance with the special rules provided for Certificate funding under paragraph (d)(1).

(e) *Effect of Declining a Voucher or Certificate.* A Family on the PHA's Certificate Program waiting list which declines to accept a Voucher or Certificate designated for use in a rental rehabilitation project shall retain its place on the waiting list.

(f) *Unconditional Subsequent Use.* Once Certificate or Voucher authority is used in connection with a grantee's rental rehabilitation program, the PHA shall not require subsequent use of the authority to be in connection with the grantee's rental rehabilitation program. If the Certificate and Voucher authority has not been used in connection with the Rental Rehabilitation Program, and HUD determines that the authority is not needed for that purpose, the authority may be used for issuance of Certificates and Vouchers to other Families on the PHA's waiting list for the Certificate Program. For Vouchers, see section V.5 of this Notice; for Certificates, see § 882.209(a). In either case, the PHA may not require Families to use the Certificate or Voucher in connection with a rental rehabilitation project.

8. Lower Income Families With Incomes Above 50 Percent of Median Income

(a) *Certificates.* Part 813 provides that only Very Low-Income Families and certain other Families previously assisted under the 1937 Act may receive assistance under the Certificate Program. This restriction is part of HUd's implementation of section 16 of the 1937 Act, which restricts to 5 percent the number of 1937 Act units which become available for occupancy on or after October 1, 1981, which may be leased to Lower Income Families with incomes above 50 percent and up to 80 percent of median income. However, Part 813 permits PHAs to apply to use the 5 percent pool controlled by HUD for displaced Lower Income Families and Lower Income Families who would otherwise be displaced by rental rehabilitation activities, and who have incomes above 50 percent but not more than 80 percent of median income. Since HUD expects the demand for this and other purposes for the 5 percent pool, based on current experience, to be at least double the size of the pool, PHAs and grantees under the Rental Rehabilitation Program should not assume the PHA will receive permission from HUD to issue Certificates to such Families. However, approval by HUD of PHA requests to issue Certificates to these Families will give grantees a tool to meet the requirement under § 511.10(h)(1) that grantees assure that Lower Income Families are not involuntarily displaced by rental rehabilitation activities without being provided with financial and advisory assistance sufficient, in the grantee's determination, to enable Lower Income Families to obtain Decent, Safe, and Sanitary Housing at an affordable rent. See also § 511.10(h)(2), Tenant Assistance Policy.

(b) *Vouchers.* By statute, only Very Low-Income Families and other Families continuously assisted under the 1937 Act may receive Vouchers.

9. Recapture of Contract and Budget Authority

When HUD deobligates rental rehabilitation grant amounts in accordance with § 511.33, HUD may reduce the amounts of contract and budget authority reserved for the Certificates and Vouchers for use in connection with the grantee's rental rehabilitation program by up to an amount proportional to the reduction in the grant. Under these circumstances HUD may reduce these amounts whether or not the PHA is in violation of program requirements or an ACC has been executed, but HUD will not reduce amounts being used to assist Families in accordance with section III.7.(d) of this Notice. This provision does not limit HUD's right to reduce reserved authority in case of PHA default or where otherwise appropriate.

IV. Invitations for, Applications for, and Use of Vouchers Under the Freestanding Component of the Voucher Program

The freestanding component of the Voucher Program is designed to compare the Voucher Program with the Certificate Program. The purpose will be to determine the effect on PHAs and Families of the differences between the two programs. This section sets forth the design features unique to the freestanding component of the Voucher Program relating to invitations and applications for the Program, use of Vouchers, and reporting requirements. Section V contains the rules for operating the Voucher Program which apply to both the rental rehabilitation and freestanding components of the program, with the few differences noted there. HUD may modify the requirements of this Notice in connection with the implementation of the research design.

1. Invitations for Freestanding Voucher Program

(a) Subject to the availability (as determined by HUD) of sufficient contract and budget authority, HUD shall invite selected PHAs to apply to participate in the freestanding component of the Voucher Program.

(b) HUD will select PHAs to submit an application taking into account such factors as geographic and housing market diversity and whether a PHA is operating a Certificate Program large enough (generally at least 1,000 units) to make comparison with a Voucher Program feasible.

(c) The invitation shall state:

(1) That HUD is inviting the PHA to apply to participate in the freestanding component of the Voucher Program to be operated in accordance with this Notice;

(2) The amount of contract and budget authority available and the number of units HUD estimates the authority will support based on an average of two-bedroom units;

(3) The deadline for submission of the PHA's application for Voucher assistance;

(4) That relevant information and forms are included with the invitation and that the PHA may obtain additional information from the HUD Field Office; and

(5) Other information or documentation the PHA must submit.

2. Submission of Applications

The PHA shall submit its application for the freestanding component of the Voucher Program in accordance with § 882.204, with the following exceptions:

(a) Section 882.204(a)(1), relating to type of housing and recently completed housing, shall not apply.

(b) Section 882.204(a)(2), relating to the total number of units by unit size and the approximate number for the

elderly, handicapped or disabled, shall not apply.

(c) The equal opportunity housing plan and the administrative plan required under § 882.204(b) shall be combined plans covering the PHA's entire Certificate Program and Voucher Program. (See section III.3 of this Notice.)

3. Processing of Applications

HUD shall process the applications in accordance with section V.3 of this Notice.

4. Selecting Families and Issuing Vouchers

In addition to the requirements of section V.5 of this Notice, a PHA administering the freestanding component of the Voucher Program shall select Families and issue Certificates and Vouchers in accordance with guidance provided by HUD as part of the research plan. In general, the research plan will provide that when a Certificate becomes available, the PHA will issue that Certificate and a Voucher to a pair of Families on the waiting list which qualify for the same size unit under the PHA's unit size standards.

5. Reporting Requirements

In addition to regular reporting requirements, a PHA administering the freestanding component of the Voucher Program shall collect complete and accurate records as required by HUD on Vouchers and Certificates issued under the component. The PHA shall send copies of required HUD forms, as HUD may specify, for each Certificate and Voucher to a research contractor designated by HUD.

V. Rules Applicable to Both Components of the Voucher Program

The section 8 Voucher Program will be operated in accordance with sections III and IV, as applicable, and with the following policies and procedures.

1. Applicability and Purpose

(a) *Applicability.* These policies and procedures apply to the use of contract and budget authority for Vouchers authorized by section 8(o) of the U.S. Housing Act of 1937. By cross reference in this Notice, certain provisions of the regulations for the Section 8 Existing Housing (Certificate) Program (24 CFR Part 882, Subparts A and B) are incorporated in this Notice and also apply to the Voucher Program.

(b) *Purpose.* The purpose of the Voucher Program is to assist Eligible Families in affording rents for Decent, Safe, and Sanitary Housing.

2. Equal Opportunity Requirements

Participation in the Voucher Program requires compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1978, Executive Order 11063, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and all applicable rules, regulations and other requirements. PHAs shall also comply with section 3 of the Housing and Urban Development Act of 1968 and all applicable rules, regulations and requirements.

3. Processing of Voucher Applications

(a) *Processing of Applications.*

(1) HUD shall send applications for more than 12 units to the appropriate chief executive officer of the unit of general local government for review and comment in accordance with 24 CFR Part 791, as required by section 213 of the Housing and Community Development Act of 1974.

(2) HUD shall evaluate each application on the basis of the requirements of this Notice and other program requirements, including any comments received from the unit of general local government under Part 791. HUD shall also take into account the PHA's ability to administer the Voucher Program, as evidenced, in part, by its performance in operating the Certificate Program, where applicable. For the freestanding component, HUD shall also evaluate each application on such factors as the PHA's willingness to cooperate with the special rules and reporting requirements under section IV of this Notice.

(b) *Approval or Disapproval of Applications.* HUD shall notify the PHA and, if applicable, the rental rehabilitation grantee whether it has approved or disapproved its application. Where HUD has disapproved the application, HUD shall include a statement of the reasons and, where applicable, the changes required to make the application approvable. HUD shall not approve a PHA's application for the rental rehabilitation component of the Voucher Program where HUD disapproves the related program description submitted by a grantee under the Rental Rehabilitation Program.

4. ACC

(a) *ACC Execution.* After HUD approves the Voucher application and, in the case of the rental rehabilitation component, receives the PHA certification required under section III.6, it shall arrange to execute the ACC with the PHA, in the form prescribed by HUD, in accordance with §§ 882.206 (a) and (b).

(b) *Term of ACC.* The ACC term for each increment of funding under the ACC shall be five years, commencing with the first HUD advance of annual contributions for the increment of funding. Accordingly, each increment shall have a separate termination date.

(c) *Single ACC.* HUD and the PHA shall execute one ACC covering all of the authority for the PHA's Voucher Program. However, where (as in the case of some statewide PHAs) the area the PHA may execute Voucher Contracts is within the jurisdiction of more than one HUD Field Office, HUD may require one ACC for each Office.

(d) *Amount of Annual Contributions.*

(1) The total amount of annual contributions contracted in the ACC for the five-year ACC term for each increment of funding shall be five times the total of (i) the average HUD-estimated annual PHA administrative fee plus (ii) 115 percent of the amount that HUD estimates is required in the first year of the ACC for Voucher payments to Owners.

(2) The PHA shall plan administration of its Voucher Program to assure its operation within the amounts originally contracted for under the ACC, taking into account (i) the amounts available from reserving 15 percent more than the estimated payments for the first year and (ii) the number of Families which may be assisted (including consideration of the effect of affordability adjustments under section V.7 and changes in Family income and composition).

5. Selecting Families and Issuing Vouchers

(a) *Eligible Families.* Only Families that qualify as Very Low-Income Families at the time they initially receive assistance under the Voucher Program or are continuously assisted under the U.S. Housing Act of 1937 may participate in the Voucher Program. This is a statutory restriction which may not be waived.

(b) *Activities to Encourage Participation by Owners and Others.* To assist Families who are not required to move into the rehabilitated projects, the PHA shall comply with § 882.208 to encourage participation by Owners and others in the Voucher Program.

(c) *Selecting Families; Issuing Vouchers.*

(1) The PHA shall select Eligible Families for participation in accordance with § 882.209(a) and this Notice, and shall verify the sources of income and other information concerning the Family,

which is necessary to determine eligibility and the amount of the Voucher payment.

(2) The PHA shall issue Vouchers in accordance with § 882.209(b) and this Notice, except that for a Family renting a unit with a larger or smaller number of bedrooms than stated on the Voucher, section V.10.(c) shall apply. All Families in a category, as defined in the PHA's standards for determining the number of bedrooms for Families of different sizes and compositions, shall receive a Voucher for the same number of bedrooms.

(d) *PHA Briefing of Families.* The PHA shall brief each Family in accordance with § 882.209(c), including information on the full range of neighborhoods in which the Family may find units meeting program requirements. Section 882.209(c)(7) shall not apply. Instead, the PHA shall brief the Family on the function of the Payment and Adjustment Standards, determination of Voucher payment, the incentive for selecting a unit renting for less than the Payment or Adjustment Standard, and the minimum rent the Family must pay.

(e) *Voucher Packet.* The PHA shall give each Family a Voucher Packet in accordance with § 882.209(b)(4), except that instead of information on the Total Tenant Payment and the Tenant Rent, the PHA shall give the Family information on how the PHA computes Voucher payments.

(f) *Term of Housing Voucher.* Section 882.209(d), Expiration and Extension of Certificate, shall apply to the Voucher Program.

(g) *Continued Participation if a Family Moves.*

(1) *Moves within the Same Jurisdiction and to Different Jurisdictions.* A Family may continue to participate in the Certificate Program or Voucher Program when it desires to move to another unit within the area in which the PHA issuing the Certificate or Voucher is not legally barred from entering into Contracts, or when it desires to move to the Certificate Program of another PHA. Section 882.209(m) shall apply. Under that section, the new PHA may treat the Family as a current participant and issue the Family a new Certificate or Voucher (unless issuance is denied in accordance with § 882.210), or may treat the Family as a resident applicant and place the Family on the PHA's waiting list. HUD encourages the PHA for the area to which a Family moves to issue a Certificate instead of a Voucher where it has no Vouchers available, since at the beginning of the Voucher Program, many PHAs will have few or no Vouchers.

(2) *Portability Moves to Different Jurisdictions.*

(i) As described in paragraph (g)(1), when a Family moves to a different area, there may be a break in assistance on behalf of the Family, since the PHA for the new area may place the Family on the waiting list. To promote opportunities for Families (other than those whose heads, spouses or sole members are at least 62 years old) to move in search of employment without interrupting their housing assistance, HUD is setting aside sufficient contract and budget authority for the Certificate Program for amendments to the ACC of the PHA for the new area to assure that approximately 200 Voucher Families may receive assistance under the Certificate Program when they move out of the area of the initial PHA, to a different market area in a different State.

(ii) The set-aside authority may only be used for a Family which has been assisted under the Voucher Program of the initial PHA for at least one year. To ensure that the Family will be able to receive Certificate assistance immediately upon finding an acceptable unit in a new area:

(A) The Family must notify the initial PHA of the name of the city and State to which the Family wishes to move.

(B) The initial PHA must notify its HUD Field Office of the desired move and provide the Field Office with the Family's unit size requirement and the income determined by the PHA at the Family's last income certification.

(C) If the Field Office determines that authority is available, it will authorize the initial PHA to contact the PHA in the area to which the Family wishes to move (new PHA). The initial PHA will provide information on Family eligibility to the new PHA.

(D) HUD will offer authority to the new PHA based on the FMR for the new PHA from the pool of authority sufficient to fund approximately 200 Certificates set aside nationally for this program.

(E) If the new PHA agrees to accept the funding for this purpose, the new PHA must issue the Family a Certificate, even if the Family's income exceeds the income limit for the area. The initial Tenant Rent may be based on the Family being reexamined and recertified by the new PHA. The applicable Fair Market Rent is the rent for the new location.

(iii) HUD is considering expanding this portability feature to include the Certificate Program and is developing amendments to Part 882 for this purpose.

6. Voucher Payments

(a) *Basic Formula.* Except where paragraph (c) applies, the amount of the Voucher payment shall be the amount by which the applicable Standard (see paragraph (b)) for the Family exceeds 30 percent of the Family's monthly adjusted income. The PHA shall compute the Family's monthly adjusted income in accordance with Part 813.

(b) *Applicable Standard.* The PHA, in its discretion, shall base the amount of the applicable Standard used to compute the Voucher payment for a Family entering the PHA's Voucher Program on one of the following: (1) the Payment Standard in effect at the beginning of the ACC term for its first increment of funding, or (2) the Payment Standard based on the most recent published Fair Market Rents or the most recent HUD-approved exception Fair Market Rents on the date of lease approval for the Family, or (3) the Adjustment Standard in effect for the PHA's Voucher Program on the date of lease approval. The initially applicable Payment or Adjustment Standard schedule for the Family shall continue to apply to a Family continuing to receive assistance until the PHA establishes an Adjustment Standard schedule applicable to the Family in accordance with section V.7.

(c) *Minimum Rents.* Notwithstanding the formula under paragraph (a), the Voucher payment shall not exceed the difference between the rent for the unit, including any applicable Utility Allowance for Family-paid utilities (as determined by the PHA for its Certificate Program), and 10 percent of the Family's monthly (unadjusted) income, computed in accordance with Part 813. In effect, 10 percent of the Family's monthly income is its minimum rent—the minimum amount of shelter costs not covered by the Voucher assistance. While HUD expects the vast majority of Families to have the Voucher payment based on the difference between 30 percent of monthly adjusted income and the Payment Standard, the minimum rent assures that all Families make a contribution toward their rent, including utilities. The PHA shall provide for adjustments of the Utility Allowance in accordance with § 882.214(a) and take the current Utility Allowance into account at each Family's reexamination for purposes of determining the Family's minimum rent. (See section V.13.)

(d) *Rent Not Capped by Payment Standard.* Under the Voucher Payment computation described in paragraphs (a)–(c) of this section, the amount of

Voucher payment does not vary depending on the amount of the rent for the unit, except where the minimum rent requirement applies. If the unit rents for more than the Payment Standard or Adjustment Standard, as applicable, the Voucher payment is not increased. If the unit rents for less, the Family benefits by paying less than 30 percent of adjusted income towards rent, subject to the minimum rent requirement. This incentive encourages Families to select inexpensive, modest units under the program.

(e) *Prohibition Against Double Subsidy.* In no event may any Family simultaneously receive the benefit of more than one of the following: Voucher, other section 8 or section 23 housing assistance, section 101 rent supplements, section 236 rental assistance payments or other duplicative Federal, State or local housing subsidy, as determined by HUD.

(f) *No PHA Reimbursement of Amounts Family Owes Owner.* The PHA shall not reimburse an Owner for the portion of the rent not covered by the Voucher payment, damages or other amounts due under the lease. See section V.11.(b) regarding security deposits.

(g) *No Payments for Vacancies.* If a Family moves out, the Owner shall promptly notify the PHA, and the PHA shall make no additional Voucher payment to the Owner for any month after that in which the Family moves. The Owner may retain the Voucher payment for the month in which the Family moves.

(h) *Utility Reimbursements.*

(1) Where the rent to the Owner does not include some or all utilities and the Family pays the utility company directly, occasionally the Voucher payment will exceed the rent payable to the Owner for the unit. In such a case, the Family will receive the excess of the Voucher payment (as determined in accordance with paragraphs (a)–(c) of this section) over the rent payable to the Owner as a utility reimbursement. In accordance with paragraph (c), the Family will, in all cases, be required to pay at least 10 percent of unadjusted income toward rent, including where applicable, the Utility Allowance. Without this reimbursement, the Family's Voucher payment would be less than the amount for which the Family is eligible under the statutory formula.

(2) For example, given a Payment Standard of $500, and $120 as 30 percent of a Family's adjusted income, the Voucher payment would be $380. If the rent payable to the Owner is $350, and the Utility Allowance is $150, the PHA would pay $350 to the Owner and the remaining $30 of the Voucher payment to the Family as a utility reimbursement.

(3) If the Family and the utility company consent, the PHA may pay the utility reimbursement jointly to the Family and the utility company or directly to the utility company.

7. Affordability Adjustments of Voucher Payments

(a) *Affordability Adjustments.* In addition to the adjustments of Voucher paymnents resulting from the annual reexamination of Family income and composition required under section V.13 of this Notice, the PHA may adjust the amount of Voucher payments under its program by establishing an Adjustment Standard as frequently as twice during any five-year period where the PHA determines that the adjustment is necessary to assure continued affordability of housing by participating Families.

(b) *Establishing the Adjustment Standard.* If the PHA determines to establish an Adjustment Standard, the PHA shall adjust Voucher payments for all participating Families or for certain categories of participating Families (for example, by the unit size the Family qualifies for and by types of Families (for example, handicapped, elderly)). The PHA may not establish separate Adjustment Standard categories for structures, neighborhoods, individual Families, one of the components of the Voucher Program, or similar categories. The Adjustment Standard established by the PHA to provide affordability adjustments may be equal to or less than the current Payment Standard for the PHA. As provided in section V.6.(b), the PHA may base the applicable Standard used to compute the Voucher payment for a Family entering the PHA's program on the initial Payment Standard, the current Payment Standard, or the current Adjustment Standard.

(c) *Timing of Affordability Adjustments.* The PHA may establish Adjustment Standards for the PHA's Voucher Program no more than two times during any 5 year period. The PHA shall establish Adjustment Standards for all categories at the same time.

(d) *Public Consultation.* Before establishing Adjustment Standards to provide affordability adjustments, the PHA shall consult with the public and the unit of general local government for its area of operation regarding the impact of adjusting Voucher payments to assure continued affordability on the number of Families that can be assisted.

(e) *Assisting More Families.* If a PHA determines that some or all of the available annual contributions under its ACC are not needed for participating Families including adjustment of Voucher payments, it may assist more Families.

8. Finders-Keepers Policy

Except for Families who agree to move into projects rehabilitated under the Rental Rehabilitation Program, this section sets forth the same policy that applies to Certificates.

(a) A Family with a Voucher is responsible for finding a housing unit suitable to the Family's needs and desires in any area where the PHA determines that it is not legally barred from entering into Contracts. A Family may select the dwelling unit which it already occupies if the unit qualifies. Upon request, the PHA shall assist Families in finding units which, because of age, handicap, large Family size or other reasons, are unable to locate approvable units. The PHA shall also provide such assistance where the Family alleges that illegal discrimination on grounds of race, color, religion, sex, national origin, age or handicap is preventing it from finding a suitable unit. This assistance shall be in accordance with the PHA's approved equal opportunity housing plan.

(b) Neither in assisting a Family in finding a unit nor by any other action shall the PHA directly or indirectly reduce the Family's opportunity to choose among the available units in the housing market.

(c) This section shall apply to all Families with Vouchers (except those who agree to move into a project rehabilitated under the Rental Rehabilitation Program), including Families who are residing in or may wish to reside in SRO Housing, Congregate Housing or Independent Group Residences meeting the Housing Quality Standards of § 882.109.

(d) HUD encourages PHAs to promote greater choice of housing opportunities for Families, in accordance with § 882.103(c).

9. Eligible Housing

(a) Existing dwelling units which the PHA determines are Decent, Safe, and Sanitary may be used under the Voucher Program, except for the following types of housing:

(1) A unit which is owned by the PHA administering the ACC under this Notice;

(2) Housing which is assisted under the U.S. Housing Act of 1937 other than under section 8 or 17;

(3) Housing which is assisted under any section 8 program other than the Voucher Program;

(4) Nursing homes, units within the grounds of penal, reformatory, medical, mental and similar public or private institutions, and facilities providing continual psychiatric, medical or nursing services; and

(5) Housing occupied by its owner (including the owner of a manufactured home leasing a manufactured home space). The 1937 Act provides that a PHA may use up to 5 percent of Voucher authority to provide assistance with respect to cooperative or mutual housing which has a resale structure which maintains affordability for lower income Families where the PHA determines it will assist in maintaining affordability of such housing for lower income Families. HUD may approve use of Vouchers in cooperative or mutual housing on a case-by-case basis, including as part of the approval appropriate modifications of requirements under this Notice.

(b) Elderly, handicapped, disabled, and displaced Families and individuals may use Congregate Housing. Eligible elderly, handicapped and disabled Families and individuals who require a planned program of continual supportive services may use Independent Group Residences. The definitions of and relating to Congregate Housing and Independent Group Residences in § 882.102 and the Housing Quality Standards for Independent Group Residences and Congregate Housing under § 882.109 shall apply to the Voucher Program.

(c)(1) SRO Housing may only be used if: (i) the property is located in an area in which there is a significant demand for SRO units, as determined by the HUD Field Office, (ii) the PHA and the unit of general local government in which the property is located approve of SRO units being used for such purpose, and (iii) the unit of general local government in which the property is located and the local PHA certify to HUD that the property meets any applicable local health and safety standards.

(2) The Housing Quality Standards under § 882.109 shall apply for SRO Housing, except for paragraphs (a), (b), (c), (m), and (n). In the absence of local health and safety codes (see paragraph (c)(1)(iii) of this section), sanitary facilities, space and security must meet the requirements for habitable rooms used for living and sleeping purposes contained in the American Public Health Association's Recommended Housing Maintenance and Occupancy Ordinance. Each SRO unit shall be occupied by no more than one person. Exterior doors and windows accessible from outside the SRO unit shall be lockable.

)d) For any section 221(d)(3) BMIR, section 202, section 236 (insured or noninsured) or FmHA section 515 interest credit unit or any State or locally subsidized unit, the subsidy to the Owner for the unit shall not be reduced on account of the Family's participation in the Voucher Program.

(e) The 40 percent limitation under § 882.110(c) on the number of certain subsidized units in specified types of Federally assisted housing shall apply. The PHA shall count Voucher units in determining compliance with the 40 percent limitation.

10. Approving Units and Executing Leases and Voucher Contracts

(a) *Information to Owners and Requests to PHA for Lease Approval.* The PHA shall give information to Owners and handle requests for lease approval in accordance with § 882.209(e). The PHA shall use the required lease provisions prescribed by HUD for the Voucher Program.

(b) *Decent, Safe, and Sanitary Condition of the Unit.* In accordance with section 882.209(h), the PHA shall inspect units to determine whether they are Decent, Safe, and Sanitary before the Voucher Contract is executed.

(c) *Unit Sizes Which Vary from Voucher Designation.*

(1) Regardless of the number of bedrooms stated on the Voucher, the PHA shall not prohibit a Family from renting an otherwise acceptable unit on the ground that it is too large for the Family.

(2) The PHA may not prohibit a Family from renting a unit with fewer bedrooms than stated on the Voucher. However, the unit must meet the space requirements of the Housing Quality Standards under § 882.109(c) or such variation as HUD may have approved, or section V.9.(c) for SRO Housing.

(3) If the PHA determines that the assisted unit occupied by a participant Family does not meet the space requirement of the Housing Quality Standards under § 882.109(c), or of section V.9.(c) for SRO Housing because of an increase in Family size or a change in Family composition, the PHA shall issue the participant Family a new Voucher, and the Family and the PHA shall try to find an acceptable unit as soon as possible. If an acceptable unit is found that is available for occupancy by the Family, the PHA shall terminate the Voucher Contract for the original unit in accordance with its terms.

(4) These are similar to policies which apply to the Certificate Program (see §§ 882.209(i) and 882.213). References to compliance with maximum rent restrictions are not included since there are no maximum rents under the Voucher Program.

(d) *Lease Requirements.* The requirements of §§ 882.209(j) (lease) and 882.215(a) (term of lease) shall apply, except that the PHA shall use a separate HUD-approved form of required lease provisions for the Voucher Program, and § 882.215(a)(3) (concerning Contract Rent adjustments) shall not apply.

(e) *Approval and Disapproval of Leases and Execution of Voucher Contracts and Related Documents.* The PHA shall approve or disapprove leases and provide for execution of HUD-prescribed forms of Voucher Contracts and related documents in accordance with §§ 882.209 (k) and (l) and § 882.215(b). References to approving the amount of rent to the Owner and the rent reasonableness certification under § 882.106(b) shall not apply since there is no maximum rent payable to the Owner under the Voucher Program.

11. Maintenance, Operation and Inspections; Security Deposits

(a) *Maintenance, Operation and Inspections.* The requirements of § 882.211 concerning maintenance, operation and inspections of units shall apply. In addition, the PHA shall not make any Voucher payments for a unit which fails to meet the Housing Quality Standards unless the Owner promptly corrects the defect and the PHA verifies the correction.

(b) *Security Deposits.*

(1) An Owner may collect a security deposit from a Family, not to exceed one month's rent. If the Family determines it is unable to pay the security deposit, it may apply to the PHA for a repayable advance to cover the difference between the amount the Family can afford, as determined by the PHA, and the security deposit requested by the Owner. Where the PHA decides to provide an advance to the Family, the Family shall enter into an agreement with the PHA for repayment on terms prescribed by the PHA. The PHA shall establish a reasonable schedule for the repayment to minimize hardship for the Family. The PHA may use amounts available under its ACC to advance funds to assist the Family to pay the security deposit. HUD encourages PHAs choosing not to provide advances to assist Families in obtaining sufficient resources from other private or public sources. The PHA may advance up to the excess of the security deposit over the greater of (i) the amount the Family can afford, (ii) 30

percent of the Family's monthly adjusted income, and (iii) $50.

(2) Subject to State and local law, after the Family moves from the unit, the Owner may use the security deposit, including any interest on the deposit, as reimbursement for any unpaid rent payable by the Family or other amounts which the Family owes under the lease. The Owner shall give the Family a written list of all items charged against the security deposit and the amount of each item. After deducting the amount used to reimburse the Owner, the Owner shall promptly refund the full amount of the unused balance to the Family.

(3) State and local law shall otherwise govern the rights and responsibilities of Owners and Families concerning security deposits.

12. Termination of Tenancy By Owners

Sections 882.215 (c) and (e) shall apply where the Owner decides to terminate the tenancy of a participating Family.

13. Reexamination of Family Income and Composition

The PHA shall conduct reexaminations of Family income and composition at least annually in accordance with Part 882 and Part 813. However, the assistance formula set forth in section V.6.(a) of this Notice applies. The PHA shall adjust the amount of each Family's Voucher payment at the time of the annual reexamination to reflect any changes in Family monthly adjusted incom e or monthly income, using the applicable Payment or Adjustment Standard (see section V.6.(b)) for the Family size at the time of the reexamination.

14. Family Obligations

(a) A Family shall:

(1) Supply any certification, release, information or documentation as the PHA or HUD determine to be necessary in the administration of the program, including use by the PHA for a regularly scheduled reexamination or imterim reexamination of Family income and composition in accordance with HUD requirements;

(2) Allow the PHA to inspect the dwelling unit at reasonable times and after reasonable notice;

(3) Notify the PHA before vacating the dwelling unit; and

(4) Use the dwelling unit solely for residence by the Family, and as Family's principal place of residence; and shall not sublease or assign the lease or transfer the unit.

(b) A Family shall not:

(1) Own or have any interest in the dwelling unit except as provided in section V.9.(a)(5);

(2) Commit any fraud in connection with the Voucher Program; or

(3) Receive duplicative assistance under the Voucher Program while occupying, or receiving assistance for occupancy of, any other unit assisted under any other Federal housing assistance program (including any section 8 program).

15. Grounds for Denial or Termination of Assistance

Section 882.210 shall apply to the Voucher Program. However, the applicable Family obligations are covered in section V.14 of this Notice, not § 882.118. In addition, if an applicant or participant has breached an agreement entered into with the PHA for repayment of a security deposit advance under section V.II of this Notice, the PHA may (a) under § 882.210(b) deny an applicant admission, deny issuance of another Voucher to a participant who wants to move to another dwelling unit, and decline to enter into a Contract or to approve a lease, and (b) under § 882.210(d), terminate Voucher payments being made on behalf of a participant under an outstanding Contract.

16. Informal Review or Hearing

The informal review or hearing requirements of § 882.216 shall apply to applicants and participating Families. References to a participant's right to an informal hearing in cases involving the amount of the Total Tenant Payment or Tenant Rent under § 882.216(b)(i) shall be considered to be references to computation to the amount of Voucher payment for the Family. Section 882.216(b)(1)(iii), concerning hearings where the PHA determines a Family is residing in a unit with a larger number of bedrooms than appropriate, shall not apply.

VI. Waivers

Upon determination of good cause, the Assistant Secretary for Housing-Federal Housing Commissioner may, subject to statutory limitations, waive any provision of this Notice. Each such waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds.

VII. Other Matters

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary since the Certificate Program and the Voucher Program are part of the Section 8 Existing Housing Program which is categorically excluded under HUD regulations at 24 CFR 50.21(d).

The information collection requirements contained in this Notice have been submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520. No person may be subject to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register.**

Authority: Section 8(o) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f(o)); section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: June 28, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84-18137 Filed 7-11-84; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Preliminary Certification of No Adverse Impact on Theodore Roosevelt National Park Under Section 165(d)(2)(C)(iii) of the Clean Air Act; Reopening of Public Comment Period

AGENCY: Department of the Interior.

ACTION: Notice of reopening of the public comment period on the Federal Land Manager's May 23, 1984 preliminary determination under section 165(d)(2)(C)(iii) of the Clean Air Act.

SUMMARY: This notice announces a reopening of the public comment period on the Federal Land Manager's preliminary determination that a proposed source in North Dakota subject to Prevention of Significant Deterioration ("PSD") of air quality requirements will not adversely affect the resources of Theodore Roosevelt National Park. The preliminary determination was published on May 23, 1984 (49 FR 21802). In keeping with its policy to invite full public discussion of the issues and thereafter to make a decision based on the best available information, the Department of the Interior has determined that reopening the public comment period is appropriate so that interested parties have sufficient time to review the technical analysis on which the preliminary determination is based.

DATE: Comments must be received on or before July 26, 1984.

ADDRESS: *Comments:* Comments should be submitted (in duplicate, if possible) to: Chief, Permit Review and Technical Support Branch, National Park Service-AIR, P.O. Box 25287, Denver, Colorado 80225.

Supporting Documentation

Copies of the supporting documentation are available for public inspection and copying between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday at the following locations: National Park Service, Main Interior Building, Room 3229, 18th and C Streets NW,. Washington, D.C.; Air and Water Quality Division, 11011 W. Sixth Avenue, Room 306, Denver, CO; and Theodore Roosevelt National Park, Headquarters, Medora, North Dakota. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: John P. Christiano, Air and Water Quality Division, National Park Service-AIR, P.O. Box 25287, Denver, CO 80225, telephone number (303) 234–6620.

SUPPLEMENTARY INFORMATION: On May 23, 1984, the Department of the Interior published a notice in the **Federal Register** announcing its preliminary determination that Northern Gas Products Company's proposed natural gas facility in Rawson, North Dakota will not cause an unacceptable, adverse impact on the air quality related values of Theodore Roosevelt National Park (49 FR 21802). The **Federal Register** notice also alerted interested parties to the availability, at three locations, of supporting documentation for the preliminary determination. Unfortunately, the Department's efforts to make the supporting documentation, or "technical analysis," readily available to the public suffered from some initial confusion and delay.

Since the Department desires thorough review of the supporting documentation and thoughtful comments on the preliminary determination within the time constraints of the PSD process, the Department has decided to reopen the public comment period for two weeks in order to remedy the time lost from the initial delay for parties interested in studying the technical analysis. In the meantime, the Department has already mailed the technical analysis to the parties who brought the problem to the Department's attention and requested copies of the supporting documentation. The reopened comment period will close on July 26, 1984.

Dated: July 3, 1984.

Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks, Federal Land Manager of Theodore Roosevelt National Park.

[FR Doc. 84-18496 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Flathead Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 209 DM8 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3, and by authority delegated to the Project Engineer and to the Superintendents by the Area Director in 10 BIAM 7.0, sections 2.70—2.75. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Pursuant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operation and maintenance charges and related information applicable to the Flathead Irrigation Project, St. Ignatius, Montana. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U.S.C. 382; 45 Stat. 210, 25 U.S.C. 387).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provision. No comments were received during the 30 day period.

In compliance with the above, the operation and maintenance charges for the lands under the Flathead Irrigation Project, Montana, for the seasons of 1984 and 1985 and subsequent years until further notice, are hereby fixed as follows:

For the season of 1984 for lands not included in an Irrigation District but including lands held in trust for Indians, the rate per acre for the various divisions is as follows:

Jocko—$9.58/acre
Mission Valley—$9.13/acre
Camas—$9.77/acre

For the season of 1985 for lands included in an Irrigation District, the Project charge per acre is as follows:

Jocko Valley Irrigation District—$4.34/acre
Mission Irrigation District—$5.34/acre
Flathead Irrigation District—$4.40/acre

E. Murl Axtell,

Project Engineer, Flathead Irrigation Project.

[FR Doc. 84-18381 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Albuquerque District, New Mexico District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: District Advisory Council meeting.

SUMMARY: The BLM Albuquerque District Advisory Council will meet August 29–30, 1984, in the Farmington Civic Center, Meeting Rooms C and D, at 200 West Arrington Street, Farmington, New Mexico. The session on August 29 will begin at 8:00 a.m. with an overview presentation on issues related to Navajo occupancy and use of public lands in the federal coal region south of Farmington, followed by a tour of such areas arranged for Council members. Members of the public are invited to attend, although transportation is arranged for Advisory Council members only.

The second day session will begin at 8:30 a.m. The Council will discuss Navajo occupancy and use of public land with representatives of the Bureau of Indian Affairs and the Navajo Tribe. Council recommendations may follow.

Statements by the public to members of the Council may be made at 1:30 p.m. August 30, in Meeting Rooms C and D.

This Council is managed in accordance with the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976, and the Rangeland Improvement Act of 1976. Minutes of the meeting wil be prepared and made available for review within 30 days following the meeting.

L. Paul Applegate,

District Manager.

[FR Doc. 84-18392 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-FB-M

Intent for Plan Amendment; San Juan County, Utah

July 5, 1984.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent—plan amendment for the Montezuma Plan, San Juan County, Utah.

SUMMARY: This notice of intent is to advise the public that the Bureau of Land Management (BLM) intends to amend an existing planning document.

SUPPLEMENTARY INFORMATION: The BLM is proposing to amend the 1975 Montezuma Plan in San Juan County, Utah. The purpose of the amendment is to dispose of 80 acres of public land southeast of Monticello, Utah, legally described as the SE¼SW¼, SW¼SE¼, Section 30, T. 34 S., R. 24 E., SLBM. The 1975 plan recommends retention of these lands for recreation and wildlife values. However, current use of the lands and management practices indicate disposal through public sale would be beneficial.

For 30 days from the date of publication of this notice the BLM will accept comments on this proposal. There will also be opportunity for public comment on the final planning decision and the Notice of Realty Action for the sale.

Existing planning documents and information are available at the San Juan Resource Area, P.O. Box 7, 480 South First West, Monticello, Utah 84535, phone: 801–587–2201.

FOR FURTHER INFORMATION CONTACT: Edward R. Scherick, San Juan Resource Area Manager.

Dated: July 5, 1984.

Kenneth V. Rhea,

Acting District Manager.

[FR Doc. 84–18378 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–DQ–M

[A–19164]

Mineral Exchange, Mohave County, Arizona; Realty Action

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action-exchange, Federal minerals in Mohave County, Arizona.

SUMMARY: The federal mineral estate on the following described land has been determined to be available for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 41 N., R. 2 W.,
Sec. 7, Lots 3 and 4, E½W,SE;
Sec. 17, N½SW,SWSW;
Sec. 19, Lots 3 and 4.

Comprising 517.64 acres, more or less.

This is an amendment (an addition) to a Notice of Realty Action published May 31 in the **Federal Register** (A–19164). The above described lands provide a greater variety of Federal mineral values which can be exchanged for Arizona State owned mineral estate located in the proposed Arizona Strip Wilderness Bill, areas north of the Colorado River, Arizona.

The purpose of the exchange is to acquire the non-federal mineral estate thereby uniting the public split-estate within proposed wilderness areas in Arizona north of the Colorado River.

The purpose of this Notice of Realty Action is two-fold. First, this action will provide a response period of forty-five (45) days during which public comments will be accepted. Secondly, this action as provided in 43 CFR 2201.1(b) shall segregate the federal minerals, as described in this Notice, to the extent that they will not be subject to appropriation under the mining laws, subject to any prior valid rights and excluding the mineral leasing laws. The segregative effect shall terminate either upon publication in the **Federal Register** of a termination of the segregation or if after two years from the date of this publication, the exchange is not consummated, whichever occurs first. This action is necessary to avoid mining claims that could encumber the federal minerals while the preparation of an environmental assessment and mineral report are ongoing.

Upon completion of the environmental assessment, a final Notice of Realty Action will be published. The Notice will provide a final description of the federal and state mineral estate to be transferred, including reservations.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange proposal, including a listing of the offered state mineral estate, may be obtained from the District Manager, Arizona Strip District, 196 East Tabernacle, St. George, Utah 84770, or the Arizona State Land Commissioner, Arizona State Land Department, 1624 W. Adams, Phoenix, Arizona 85007.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Arizona Strip District, 196 East Tabernacle, St. George, Utah 84770.

Dated: July 3, 1984.

G. William Lamb,

District Manager.

[FR Doc. 84–18376 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–32–M

Realty Action; Sale of Public Lands; Catron County, New Mexico

The following described parcels of land have been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) using direct and modified competitive bidding procedures (43 CFR 2711.3–2) at no less than the appraised fair market value. Apprised values will be available at the Socorro Resource Area Office after July 15, 1984. The parcels are isolated, difficult and uneconomical to manage as part of the public lands, and are not suitable for management by another Federal department or agency. The sale is consistent with the Bureau's planning efforts, and and the public interest will be served by offering this land for sale.

Parcel number	Serial number	Legal description, NMPM	Acreage	Method of sale
13	NM 57100	T. 8 S., R. 13 W., Sec. 31, SEL/4	160	Direct.
14	NM 57102	T. 4 S., R. 14 W., Sec. 15, NWL/4NWL/4	40	Do.
15	NM 57101	T. 1 N., R. 16 W., Sec. 1, NEL/4SEL/4	40	Modified, competitive.

Sale Procedures

Parcel 13

Parcel 13 will be offered for sale, not less than 60 days from date of this notice, directly to the current grazing lessee, James Boyd of 1214 Sigma Chi Road NE, Albuquerque, New Mexico 87106. The total price must be paid within 30 days from date of the offering.

Parcel 14

Parcel 14 will be offered for sale, not less than 60 days from date of this notice, directly to the current grazing lessees, Leandro and Eddie Aragon of 1606 Sunset Garden Road SW, Albuquerque, New Mexico 87105. The total purchase price must be paid within 30 days from date of the offering.

Parcel 15

Parcel 15 will be offered for sale using modified competitive bidding procedures with the accessible landowners as the designated bidders. Only bids from the following designated bidders will be accepted for Parcel 15: Emilia T. Chavez, P.O. Box 142, Quemado, New Mexico 87829; and Mrytle Cox of P.O. Box 96, Quemado, New Mexico 87829.

Bidding Procedures for Parcel 15

The sealed bids will be accepted on Parcel 15 only if received in the Socorro Resource Area Office, 122 Plaza, P.O. Box 1219, Socorro, New Mexico 87801, before 10:00 A.M. on September 14, 1984. Any bid of less than fair market value will be rejected as required by FLPMA.

Each bid must be accompanied by 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 on each bid. The sealed bid envelope must be marked in the lower left-hand corner as follows: "Public Sale Bid, Parcel 15, Serial Number NM 57101, Sale Held September 14, 1984". In the event two identical bids are submitted, the successful bid will be determined by drawing.

The successful bidder on Parcel 15 must submit the remainder of the purchase price within 30 days from the sale date. Failure to submit the required balance within the time allowed will result in cancellation of the sale and the deposit will be forfeited. The land will then be offered to the other bidder. Bids will be either returned, accepted, or rejected within 30 days of the sale date.

Terms and Conditions

Patents issued as a result of the sale will be subject to existing access road right-of-way and easements and will contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All mineral deposits in the land so patented. Such minerals shall be subject to the right to explore, prospect for, mine and remove under applicable law and such regulations as the Secretary may prescribe.

3. All the geothermal steam and associated geothermal resources as to land so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits upon compliance with the conditions and subject to the provisions and limitations of the Act of December 24, 1970 (84 Stat. 1566).

4. On Parcel 13, the patent will also be issued subject to those grazing rights granted by a grazing lease which expires on May 27, 1985.

5. On Parcel 14, the patent will also be issued subject to those grazing rights granted by a grazing permit which expires on February 28, 1988.

6. On Parcel 15, the patent will also be issued subject to those rights granted by a grazing permit which expires on February 28, 1989.

Supplementary Information

Detailed information concerning the sales is available for review at the Bureau of Land Managaement, Socorro Resource Area Office, 122 Plaza, P.O. Box 1219, Socorro, New Mexico 87801.

For a period of 45 days from date of this notice, interested parties may submit comments regarding the proposed action. Comments must refèrence specific parcel numbers. Adverse comments received on specific parcels will not affect the sale of any other parcel. adverse comments will be evaluated by the District Manager who may vacate or modifiy this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of Interior.

Harlen Smith,

Area Manager.

[FR Doc 84-18376 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-FB-M

New Mexico Realty Action Direct and Modified Competitive Sales in Sierra County, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, sale.

SUMMARY: This notice sets forth the details of a forthcoming sale of public lands in the Las Cruces District. Notice of this sale is required under 43 CFR 2711.1-2(c).

DATE: September 17, 1984, 1:30 p.m. to 3:30 p.m.

ADDRESS: Bureau of Land Management, Las Cruces District Office, 317 N. Main, Santa Teresa Bldg., P.O. Box 1420, Las Cruces, NM 88004.

Daniel C.B. Rathbun,

District Manager.

The following described parcels of land have been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than the appraised fair market value.

Sale and parcel No.	Legal description	Acreage (acres)	Fair market value
NM 57121; LC 037 001	T. 12 S., R. 8 W., NMPM		
	Sec. 14, SE¼SW¼	40	
	Sec. 23, NE¼NW¼	40	
	Total	80	$2,200.00
LC 037 002	T. 12 S., R. 8 W., NMPM		
	Sec. 21, N½SE¼	80	
	SE¼SE¼	40	
	Sec. 22, W½SW¼	80	
	Total	200	$5,500.00
LC 037 003	T. 12 S., R. 8 W., NMPM; Sec. 22, E½SE¼	80	$2,200.00
LC 037 004	T. 12 S., R. 8 W., NMPM; Sec. 13, E½SE¼	80	$2,575.00
LC 037 005	T. 12 S., R. 7 W., NMPM; Sec. 7, lot 7	41.62	$1,450.00
LC 037 006	T. 12 S., R. 8 W., NMPM; Sec. 12, SW¼SE¼	40	$1,100.00

The parcels offered for sale will be conducted either by direct or modified competitive sale procedures; however, all bids will be limited to sealed bids and must be for at least the appraised value. Individuals with a preference right to purchase a parcel must be present at the auction and must submit a sealed bid, appraised value or higher, in order to qualify to meet the high sealed bid.

The sale will be held on September 17, 1984, at 1:30 p.m., at the Las Cruces District Office (Santa Teresa Building, 317 N. Main, Downtown Mall, Las Cruces, New Mexico).

Sale parcel LC 037 001-003 will be offered through direct sale to Mesa Verde Ranch, Inc., Chloride Rt. 1, Winston, NM 87943.

Sale parcel LC 037 004 will be offered through direct sale to Lorenzo T. Lopez, P.O. Box 46, Garfield, NM 87936.

Sale parcel LC 037 005 will be offered through modified competitive sale to Lorenzo T. Lopez, address as above; Nick Ortega, P.O. Box 81, Winston, NM 87943; and Gorgonio and Elvira Trujillo, 532 E. Pinon St., Las Cruces, NM 88001.

Sale parcel LC 037 006 will be offered through modified competitive sale to Mesa Verde Ranch, Inc., and Lorenzo T. Lopez, addresses as above.

Refusal or failure by any of the above named parties to meet the high selling bid (in the case of modified competitive sales) or at least appraised value (in the case of the direct sales) immediately after the close of bidding shall consitute a waiver of such right.

Direct sale and modified competitive bidding procedures are being used to recognize the needs of adjoining landowners and historical use by these landowners. Preference to meet the high selling bid is authorized under Section

203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713; 43 CFR Part 2711.3–2 (a) and (b).

This sale is consistent with the exisiting land use plan developed in accordance with the Department's planning regulations, public participation, and in coordination with the local governmental entities. The sale involves isolated land completely surrounded by private lands, that is difficult and uneconomical to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The public interest will be served by offering this land for sale.

Federal law requires that all bidders be U.S. citizens, 18 years of age or more, a state or state instrumentality authorized to hold property, or in the case of corporations, be authorized to own real estate in the state in which the sale land is offered.

Sealed written bids will be considered only if received by the Bureau of Land Management, P.O. Box 1420, Las Cruces, NM 88004, before 11:30 a.m. on September 17, 1984, the date of the opening.

A separate written bid should be submitted for each sale parcel desired. Each written sealed bid must be accompanied by a certified check, postal money order, bank draft, or cashiers check made payable to the Department of the Interior—BLM for at least twenty percent (20%) of the amount bid and shall be enclosed in a sealed envelope clearly marked, "Bid for Public Land Sales, NM 57121, Sale Parcel Number ———, Sierra County, New Mexico, September 17, 1984." The written sealed bids will be opened and publicly declared at the beginning of each sale. If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing.

The terms and conditions applicable to the sale are:

1. The apparent high bidder shall submit the remainder of the full bid price within 30 days from the date of sale. Failure to submit the full bid price within 30 days from the date of sale shall result in sale cancellation of the specific parcel, and the twenty percent (20%) shall be forfeited.

2. The authorized officer may reject the highest qualified bid and release the bidder from his/her obligation and withdraw any tract from the sale if he determines that consummation of the sale would be inconsistent with the provisions of any existing law, or collusive or other activities have hindered or restrained free and open bidding, or consummation of the sale would encourage or promote speculation in public lands.

3. Patents issued as a result of the sale will be subject to all valid and existing rights and will contain the following reservations:

a. A right-of-way thereon for ditches and canals constructed under the authority of the United States (Act of August 30, 1890 26 Stat. 391; 43 U.S.C. 945).

b. All mineral deposits in the land so patented. Such minerals shall be subject to the right to explore, prospect for, mine and remove under applicable law and such regulations as the Secretary may prescribe.

The patent for LC 037 005 will also be subject to those rights granted by a term permit for grazing lease NM 038 3903 until February 28, 1990, and the patent for LC 037 006 will also be subject to those rights granted by a term permit for grazing lease NM 038 3860 until February 28, 1992.

Parcels not sold on the day of the sale will remain available for sale until sold or withdrawn from sale. Sealed bids will be solicited on these parcels at the Las Cruces District Office during regular business hours (7:45 a.m. to 4:30 p.m.). The sealed bids will be opened October 23, 1984, and every first Tuesday of each subsequent month until the land is either sold or withdrawn from sale.

Detailed information concerning the sale, including the planning documents, environmental assessment and the record of public involvement, is available for review at the Las Cruces District Office, Bureau of Land Management, P.O. Box 1420, Las Cruces, NM 88004.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Las Cruces District Office, Bureau of Land Management, Las Cruces, NM 88004.

Any adverse comments received as a result of the Notice of Realty Action or notification to the Congressional committees and delegations pursuant to Pub. L. 98–146, will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Dated: July 15, 1984.

[FR Doc. 84–18377 Filed 7–11–84; 8:45 am]
BILLING CODE 4310–FB

[OR 36750, 36751, 36754, 36755, 36756]

Realty Action; Sale; Public Land in Douglas County, Oregon

The following described land has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value:

WILLAMETTE MERIDIAN, OREGON

Parcel and serial No.	Legal description	Acreage	Value	Bidding procedure
(1) OR 36750	T. 25 S., R. 6 W., Sec. 15, Lot 10; Sec. 22 Lot 1	4.98	$1,450	Modified; competitive.
(1) OR 36751	T. 26 S., R. 7 W., Sec. 3, Lot 6	4.80	4,300	Direct sale.
(1) OR 36752	T. 25 S., R. 6 W., Sec. 21, Lots 2 & 3	1.20	390	Modified; competitive.
(1) OR 36754	T. 29 S., R. 6 W., Sec. 17, Lot 2	14.00	2,950	Direct sale.
(1) OR 36755	T. 23 S., R. 6 W., Sec. 1, Lot 7	3.80	1,100	Modified; competitive.
(2) OR 36755	T. 23 S., R. 6 W., Sec. 1, Lot 9	1.50	450	Do.
(1) OR 36756	T. 26 S., R. 7 W., Sec. 34, Lots 1 & 2	0.75	210	Do.

The sale will be held on Wednesday, September 19, 1984, at 10:00 a.m., in the Bureau of Land Management's Resenburg District Office, 777 NW., Garden Valley Blvd., Rosenburg, Oregon 97470. The isolated parcels are difficult and uneconomic to manage as part of the public lands and are not suitable for management by another federal agency. There are no significant resource values which will be affected by this disposal. Legal access exists to only the parcel serialized as OR 36752. The sale is consistent with BLM's planning for the land involved and the public interest would be served by offering this land for sale.

The patents issued will be subject to:

1. A reservation to the United States for ditches and canals (43 U.S.C. 945).

2. All mineral rights will be reserved to the United States (43 U.S.C. 1718) except for the parcel serialized as OR 36754.

3. All other easements, encumbrances, reservations, and restrictions of records.

Additional patent reservation applicable to Parcel No. 1, Serial No. OR 36750: Buildings will not be allowed within the one hundred year flood plain of Calapooya Creek.

Additional patent reservations applicable to Parcel No. 1, Serial No. OR 36752:

1. Public roads and highways crossing lot 3.

3. Rights of the United States for Bonneville Power Administration's 230 kV Transmission line and access road which crosses lot 2.

Modified Competitive Bidding Procedures

The parcels serialized as OR 36750, OR 36752, OR 36755 and OR 36756 will be offered for sale by sealed bids only, using modified competitive bidding procedures (43 CFR 2711.3–2). Preference rights are being offered to the contiguous landowners, which have been identified as designated bidders. Bids will be accepted only from the designated bidders. To exercise the preference right, the designated bidders must submit a proper bid. Failure to submit a proper bid, at the time of sale, will constitute a waiver of the preference right and the land will become available to the general public.

Designated bidders include:

Serial No. OR 36750, Parcel No. 1: (1) Roger W. and Elizabeth C. Collis, (2) Donald W. and Patricia H. Fickes, and (3) Paul T. and Karlen J. Mueller.

Serial No. OR 36752, Parcel No. 1: (1) Robert and Elsie Monett, and (2) Roderick F. Paul.

Serial No. OR 36755, Parcel No. 1: (1) Norman L. and Gertrude Compton, and (2) William H. and Vera May Baimbridge.

Serial No. OR 36755, Parcel No. 2: (1) William H. and Vera May Baimbridge, and (2) Charles A. Kesterson.

Serial No. OR 36756, Parcel No. 1: (1) L. H. Broyhill and (2) Phillip R. and Darlene D. Teske.

No bid will be accepted for less than the appraised value. The bids for a parcel must include all the land in the parcel. Federal law requires that individuals be at least 18 years of age or over and U.S. citizens, and corporations be subject to the laws of any State or of the United States.

Bids must be made by the principal or his duly qualified agent. Sealed bids, delivered or sent by mail, must be received at the BLM, at the above address, before 10:00 a.m., September 19, 1984, to be considered. Each sealed bid must be accompanied by 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 each bid. The sealed envelope must be market in the lower left-hand corner as follows: "Public Sale Bid Parcel No. ———, Serial No. OR 3675——. Sale held September 19, 1984".

If two or more envelopes are received containing valids bids of the same amount for the same parcel, the successful bid shall be determined by drawing. The highest qualifying sealed bid on each parcel will be the sale price. The successful bidder will be required to pay the balance of the sale price within 30 days. If final payment is not received within 30 days, the high bid will be rejected, the deposit forfeited and the land will be offered for sale using competitive bidding procedures (43 CFR 27711.3–1), subject to the same terms and conditions. All unsuccessful sealed bids will be returned within 30 days of the sale.

Direct Sale Procedures

The parcels identified by Serials Nos. OR 36751 and OR 36754 are being offered using direct sale procedures [43 CFR 2711.3–2(b)]. The land will be sold at fair market value to the surrounding landowners without bidding. The prospective purchasers are required to render a minimum deposit of one-fifth the purchase price on September 19, 1984, and the balance within 30 days of the sale date. If they do not submit the deposit or render the full purchase price within 30 days of the sale date, they waive the preference right, the deposit will be forfeited and the parcel will be sold through competitive bidding procedures.

The parcel serialized as OR 36751 is being offered to the surrounding landowners, Joe. B. and Mary Anne Pauletto.

The parcel serialized as OR 36754 is being offered to the surrounding landowner, Harrison F. Rice. Mr. Rice will be required to pay one-fifth the full sale price together with a $50.00 non-refundable filing fee for the conveyance of the entire mineral estate. The mineral interests being offered for conveyance have no known mineral value. the $50.00 filing fee is required by 43 CFR 2720.1–2(c).

Unsold Parcels

If any of the parcels identified in this notice are not sold on September 19, 1984, the parcels will be offered to the public, using competitive sale procedures (43 CFR 2711.3–1), until removed from the market. Sealed bids will be solicited at the BLM, Roseburg District Office, during regular business hours. All bids received will be opened the first Wednesday of each month, beginning on October 3, 1984. To be considered, bids must be received by 10:00 a.m. on the day of the bid opening.

Detailed information concerning the sale, including the planning documents, land report, environmental assessment, and fair market appraisal is available for review at the above address.

For a period of 45 days after the date of issuance of this notice, the public and interested parties may submit comments to the Rosenburg District Manager, at the above address. Any adverse comments received as a result of this Notice of Realty Actions or Notification to Congressional Committees and delegations pursuant to Pub. L. 97–394 will be evaluated by the District Manager who may vacate or modify this realty action and issue final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior.

Dated: July 6, 1984.

Robert A. Smith,

Acting District Manager.

[FR Doc. 84–18380 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–33–M

[OR–36351, U]

Oregon; Noncompetitive Sale of Public Lands in Harney County

The following described land has been examined and determined to be suitable for disposal pursuant to the provisions of section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the appraised fair market value:

Willamette Meridian, Oregon

T. 34 S., R. 31 E.
Sec. 4: S½
Sec. 9: N½
Sec. 10: S½
Containing 960 (±) acres.

The land is to be sold noncompetitively to Mr. Rex Clemens at the fair market value of $46,000, on September 19, 1984. The sale is consistent with Bureau and local government plans for the area and involves land completely surrounded by private land, that is difficult and uneconomical to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The public interest will be well served by offering these lands for direct sale to Rex Clemens.

The terms and conditions applicable to the sale are as follows:

1. One-fifth of the purchase price must be paid on the day of the sale with the remainder required within 30 days. Failure to submit the full sale price shall result in cancellation of the sale and the deposit forfeited.

2. All minerals in the lands will be reserved to the United States in Accordance with section 209(a) of the Federal Land Policy and Management Act of 1976.

3. Right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

4. Patents will be issued subject to all valid existing rights and reservations of records.

Those parcels not sold pursuant to this Notice of Realty Action shall remain available for sale on a continuing basis until sold.

Detailed information concerning the sale is available for review at the Burns District Office, 74 South Alvord, Burns, OR 97720 (503) 573–5241.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, at the above address. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: July 3, 1984.

Joshua L. Warburton,

District Manager.

[FR Doc. 84–18383 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–33–M

[W–73655]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Leases

July 3, 1984.

Pursuant to the provisions of Pub. L. 31–245 and Title 43 Code of Federal Regulations, Section 3108.2–1(c), and Pub. L. 97–451, petition for reinstatement of oil and gas lease W–73655 for lands in Park County, Wyoming was timely filed and was accompanied by all the requried rentals accruing from date of termination.

The lessees have agreed to new lease terms for rentals and royalties at rates of $5.00 per acre, and 16⅔ percent, respectively.

The lessees having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease W–73655 effective January 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Harold G. Stinchcomb,

Chief, Branch of Fluid Minerals.

[FR Doc. 84–18384 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–84–M

[W–82763; W–83011]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Leases

Pursuant to the provisions of Pub. L. 31–245 and Title 43 Code of Federal Regulations, Section 3108.2–1(c), and Pub. L. 97–451, petition for reinstatement of oil and gas lease W–82763 for lands in Niobrara County, Wyoming and oil and gas lease W–83011 for lands in Natrona County, Wyoming, were timely filed and were accompanied by all the required rentals accruing from their respective dates of termination.

The lessees have agreed to new lease terms for rentals and royalties at rates of $5.00 per acre, and 16⅔ percent, respectively.

The lessees having met all the requirements for reinstatements of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease W–82763, and lease W–83011 effective March 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: July 3, 1984

Harold G. Stinchcomb,

Chief, Branch of Fluid Minerals.

[FR Doc. 84–18385 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–84–M

[W–82162]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 31–245 and Title 43 Code of Federal Regulations, Section 3108.2–1(c). and Pub. L. 97–451, a petition for reinstatment of oil and gas lease W–82162 for lands in Hot Springs County, Wyoming was timely filed and was accompanied by all the required rentals accruing from date of termination. The lessee has agreed to new lease terms for rentals and royalties at rates of $5.00 per acre, and 16⅔ percent, respectively.

The lessee having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease W–82162 effective February 1, 1984, subject to the original lease terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: July 3, 1984.

Harold G. Stinchcomb,

Chief, Branch of Fluid Minerals.

[FR Doc. 84–18386 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–84–M

[F–14893–A, F–14893–B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that the decision to issue conveyance to Cook Inlet Region, Inc., notice of which was published on September 30, 1980, in the **Federal Register**, Vol. 45, No. 191, Page 64748, is modified. The decision is modified by changing the navigability determination, as ordered by the Interior Board of Land Appeals.

Any party, known or unknown, who may claim a property interest which is adversely affected by the decision shall have until August 13, 1984 to file an appeal on the issue in the modified decision. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management office identified below, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Copies of the modified decision can be obtained by contacting the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513.

Except as modified, the decision published September 30, 1980, stands as written.

Olivia Short,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84–18433 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–JA–M

[AA-50379-5]

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 secs. 12(c) and 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611(c), 1613(h)(8)) (1976) (ANCSA), will be issued to Chugach Natives, Inc., for approximately .55 acre. The lands involved are within the Copper River Meridian, Alaska:

T. 17 S., R. 8 E.

Upon issuance of the decision to issue conveyance, it will be published once a week, for four (4) consecutive weeks, in the *Cordova Times*. 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 which is adversely affected by the decision shall have until August 13, 1984 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Barbara Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-18434 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-JA-M

[OR-34957-B]

Oregon; 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 Lake County, was purchased by modified competitive sale and conveyed to the party shown: Mr. and Mrs. Lloyd Ginter, General delivery, Christmas Valley, Oregon 97641.

Willamette Meridian, Oregon

T. 27 S., R. 17 E.,
Sec. 15, SW¼SE¼.

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. and Mrs. Ginter.

Dated: July 5, 1984.

Robert Mollohan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-18478 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-33-M

[W-32092, W-71405]

Wyoming; Proposed Continuation of Withdrawal, Wyoming

July 3, 1984.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that a 50.52-acre withdrawal for the North Platte Reclamation Project continue for an additional 100 years. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing.

DATE: Comments should be received by October 10, 1984.

ADDRESS: Comments should be sent to: Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Scott Gilmer, Wyoming State Office, 307-772-2089.

The Bureau of Reclamation proposes that the existing withdrawals made by the Secretarial Order of July 8, 1916, and PLO 5232 of July 14, 1972, be continued for a period of 100 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Sixth Principal Meridian, Wyoming

T. 25 N., R. 61 W.,
Sec. 28, SE¼NW¼NW¼.
T. 26 N., R. 64 W.,
Sec. 8, lot 5.

The area described contains 50.52 acres in Goshen County, Wyoming.

The purpose of these withdrawals is to protect the Interstate Canal facilities of the North Platte Reclamation Project. the withdrawals segregate the lands from the operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawals may present their views in writing to the Chief, Branch of Land Resources, in the Wyoming State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination of the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: July 3, 1984.

P.D. Leonard,

Associate State Director, Wyoming.

[FR Doc. 84-18459 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-22-M

Bureau Forms Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Copies of the proposed information collections requirement and related forms and explanatory material may be obtained by contacting the Bureau of Land Management's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau of Clearance Officer and the Office of Management and Budget Reviewing Official at 202-395-7340.

Title: 43 CFR 2540—"Color-of-Title Tax Levy and Payment Record"
Bureau Form No.: 2540-3
Frequency: Once
Description of Respondents: Individuals applying for conveyance or claims under the "Color-of-Title" Act.
Annual Responses: 50
Annual Burden Hours: 25
Bureau Clearance Officer (alternate): Linda Gibbs at 202-653-8853.

Dated: June 21, 1984.

James M. Parker,

Acting Director.

[FR Doc. 84-18488 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-84-M

California: Realty Action Sale of Public Land in Calaveras County, California

The following described land has been examined, and through the development of land use planning decisions based on public input, resource considerations, regulations and Bureau policies, it has been determined that the proposed sale of these parcels is

consistent with the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713). Parcel 4 will be offered for sale September 21, 1984, at no less than the appraised fair market value. The parcel will be sold using modified competitive bidding procedures with the surrounding landowner given the right to meet the high bid. Parcels 1, 2, and 3 will be offered by direct sale at no less than the fair market value to Charles Luce, Don Leslie and David Green, respectively.

Parcel No.	Serial No.	Legal description	Acres	Fair market value	Designated bidders
1	CA 13253	T. 5 N., R. 12 E., Sec. 8, Lot 3 and NW¼SE¼SW¼	12.94	$13,000	Charles Luce (Direct Sale).
2	CA 15782	T. 5 N., R. 12 E., Sec. 8, S½SE¼SW¼NE¼NE¼	1.25	2,000	Don Leslie (Direct Sale).
3	CA 15785	T. 5 N., R. 12 E., Sec. 8, Lot 2	6.55	10,500	David Green (Direct Sale).
4	CA 15783	T. 4 N., R. 13 E., Sec. 1, Lot 7; Sec. 12, N½NW¼NW¼	32.58	27,000	Larry Fordyce.

Sale terms and conditions are as follows:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All bidders must be United States citizens; corporations must be authorized to own real property in the State of California; political subdivisions of the State and State instrumentalities must be authorized to hold property. Proof of meeting these requirements shall accompany bids.

3. Parcel 1 will be offered by direct noncompetitive sale to Charles Luce to help resolve a complex boundary problem.

4. Parcels 2 and 3 will be offered by direct noncompetitive sale to Don Leslie and David Green, owners of the adjoining tracts and improvements suspected to lie partially on the subject parcels. Disposal by direct sale will protect their equity investment in improvements and resolve existing inadvertent unauthorized uses.

5. A reservation for existing aerial cables and pole line rights-of-way granted to Pacific Telephone and Pacific Gas Electric respectively under (CA 6399) and (CA 3664) will be incorporated into patents for parcels 1 and 3. The rights-of-way parallel Jesus Maria County Road.

6. In order to avoid jeopardizing the existing use of the surrounding land, parcel 4 will be offered by modified competitive bid by designating the surrounding landowner as having the opportunity to meet the high bid.

Upon publication of this notice in the **Federal Register** as provided in 43 CFR 2440.4, the above lands will be segregated from appropriation under the mining laws, but excepting the mineral leasing laws for period of not-to-exceed two years, or until the lands are sold, whichever occurs first. The segregation effect may otherwise be terminated by the Authorized Officer by publication of a temination notice in the **Federal Register** prior to the expiration of the two year period.

Parcel 4 will be offered by sealed bid with the surrounding landowner, Larry Fordyce, designated as having the right to meet the high bid. Sealed bids will be opened at 10:00 a.m. on September 21, 1984, at the Folsom Resource Area Office, Bureau of Land Management, 63 Natoma Street, Folsom, California 95630. Sealed bids shall be considered only if received at the above address prior to 10:00 a.m. on September 21, 1984. Each sealed bid shall be accompanied by certified check, postal money order, bank draft or cashier's check made payable to the Department of the Interior—BLM for not less than one-fifth of the bid. The sealed bid envelopes must be marked on the front lower left corner "Folsom Resource Area, September 21, 1984, Land Sale, Parcel Number ——". After opening all sealed bids, if two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing shall be held by the authorized officer immediately following the opening of the sealed bids. However, the surrounding landowner will still have the opportunity to meet the high bid. The successful bidder shall submit the remainder of the full purchase price within 30 days of the sale date. Failure to submit the balance of the full bid within the above specified time limit shall result in cancellation of the sale and the deposit shall be forfeited. The next high bid will then be honored.

If parcel 4 does not sell, it will remain available for sale over the counter on a first come, first served basis until December 31, 1984.

It has been determined that the lands are without known mineral interests and a successful bid will constitute a simultaneous request for conveyance of the reserved mineral estate. As such, the successful high bidder will be required to deposit a $50.00 nonreturnable filing fee for conveyance of the mineral estate plus the one-fifth of the bid as mentioned at the sale.

Detailed information concerning the sale, including the land report and environmental assessment report, is available for review at the Folsom Resource Area Office, 63 Natoma Street, Folsom, California 95630. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Bakersfield District, Bureau of Land Management, 800 Truxtun Ave., Room 311, Bakersfield, California 93301; (805) 861–4191. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination.

D.K. Swickard,

Area Manager.

[FR Doc. 84-18508 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-84-M

Land Exchange; Butte District, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, public lands in Beaverhead and Madison Counties suitable for exchange (M-60246).

SUMMARY: The following described public lands located in Beaverhead and Madison counties have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian Montana

T. 3 S., R. 8 W.
Sec.8: W½NE¼, NW¼;
Sec. 19: NE¼SW¼, NW¼SE¼;
Sec. 20: NW¼SW¼, S½SW¼;
Sec. 21: W½E½;

Sec. 22: N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 28: N½NW¼, N½SW¼, N½NW¼ SE¼, SW¼NW¼SE¼;
Sec. 29: Lots 3, 4 and 7, SE¼NW¼, NE¼SW¼, SW¼SE¼;
Sec. 30: NE¼SW¼;
Sec. 32: NW¼NE¼.
T. 4 S., R. 9 W.
Sec. 21: E½NE¼ excluding I–15 right-of-way.
Containing 1,318.75 acres.

In exchange for these lands, the Federal Government will acquire the following lands in Beaverhead County from Smith 6 Bar S Livestock of Box 107, Glen, Montana 59732.

Principal Meridian Montana

T. 4 S., R. 9 W.
Sec. 7: Lot 4, SE¼SW¼, S½SE¼;
Sec. 18: Lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼.
T. 5 S., R. 9 W.
Sec. 5: SW¼SW¼;
Sec. 7: E½NE¼;
Sec. 8: NW¼, NW¼SW¼.
Containing 975.52 acres.

DATES: For a period of 45 days from the date of first publication of this Notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59702. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire non-federal lands for wildlife habitat, improve access to other federal land, and improve the manageability of the federal lands. The exchange is consistent with the Bureau's planning. The public interest will be well served by making the exchange. It is expected this exchange will be completed by 9/30/84.

Effective as of the date this Notice is published, the public lands selected in the exchange shall be segregated from all the nondiscretionary public land laws including the mining laws.

1. The acreage will be adjusted to equalize values upon completion of the final appraisal of the lands.

2. The exchange involves only the surface estate; all minerals owned by the Federal Government will be reserved to the United States. All minerals owned by Smith 6 Bar S Livestock will be reserved to Smith 6 Bar S Livestock.

Patents will contain the following reservations to the United States:

1. Rights-of-way for ditches and canals constructed by the authority of the United States (26 Stat. 391; 43 U.S.C. 945).

2. All minerals with the right to explore, prospect for, mine and remove under applicable law, and such regulations as the Secretary of the Interior may prescribe (43 U.S.C. 1719).

3. Existing and future oil and gas leases on all parcels.

4. All valid existing rights.

FOR FURTHER INFORMATION CONTACT: The Butte District Office at the above address.

Dated: July 2, 1984.

Jack A. McIntosh,

District Manager.

[FR Doc. 84–18492 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–DN–M

[A–19282]

Realty Action; Mineral Exchange; Gila County, Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action—mineral exchange.

The following described Federal mineral estate may be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 1 N., R. 15½ E.
Sec. 25, N½NE¼, SE¼NE¼
T. 1 N., R. 16 E.
Sec. 19, Lots 1–4, W½.

The purpose of the exchange is to unite State of Arizona and federal split estates thereby eliminating surface management difficulties and providing for the consolidation of surface/mineral estates.

This action, as provided in 43 CFR 2201.1(b), shall segregate the federal minerals as described in this notice, to the extent that they will not be subject to appropriation under the mining laws, subject to any prior valid rights. The segregation is necessary to prevent nuisance mining claim location which would encumber an exchange.

The segregative effect shall terminate either upon publication in the **Federal Register** of a termination of the segregation or two years from the date of this publication, whichever comes first.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Marlyn V. Jones,

District Manager.

[FR Doc. 84–18491 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–32–M

[A–19279]

Modified Competitive Sale, Mohave County, Arizona; Realty Action

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action-exchange, modified competitive sale of public land in Mohave County, Arizona.

SUMMARY: The following land described below has been examined through the BLM planning process and found proper for disposal. It will be offered for sale under the provisions of sec. 203(a) of the Federal Land Policy and Management Act (90 Stat. 2750; 43 U.S.C. 1713).

Gila and Salt River Meridian, Arizona

T. 36 N., P. 10 W.
Sec. 34, E½SW¼, 80 acres;

The above land aggregates 80 acres, more or less, in Mohave County, located approximately 50 miles south of St. George, Utah in Upper Hurricane Valley. This land will not be sold for less than the appraised fair market value of $5,600. This parcel will be offered to the adjoining landowners listed below in order to avoid dislocation of the existing users. Sale will be conducted through the submission of sealed bids on or before September 25, 1984. The adjoining landowners are:

Rudger C. Atkin, Inc., c/o R. Clayton Atkin, St. George, Utah
Nellie Cox, St. George, Utah
G & F Ranch, c/o Dale Gubler, Santa Clara, Utah

Upon publication of this Notice in the **Federal Register** as provided in 43 CFR 2440.4, the land described above will be segregated from appropriation under the mining laws but excepting the mineral leasing laws for a period of not to exceed two years, or until the lands are sold, whichever occurs first. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The land will be sold subject to the following reservations:

1. Oil and gas will be reserved to the United States.

2. Valid existing rights.

3. Reserve to the United States the right to construct ditches and canals.

The lands have no known values for locatable or saleable minerals, therefore the mineral interests except oil and gas will be offered for sale to the respective purchaser who will be required to deposit a $50 nonreturnable application fee (43 CFR 2720.1–2(c)).

For a period of 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 realty action will become the final determination of the Department of the Interior.

Additional information concerning the land, terms and conditions of the sale, may be obtained from G. William Lamb, District Manager, 196 East Tabernacle, St. George, Utah 84770 or by calling (801) 673–3545.

Dated: June 29, 1984.

G. William Lamb,

District Manager.

[FR Doc. 84–18489 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–32–M

[A–19279]

Non-Competitive Sale, Mohave County, Arizona; Realty Action

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice or realty action-exchange, non-competitive sale of public land in Mohave County, Arizona.

SUMMARY: The following lands described below have been examined through the BLM planning process and found proper for disposal. They will be offered for sale under the provisions of Sec. 203(a) of the Federal Land Policy and Management Act (90 Stat. 2750; 43 U.S.C. 1713).

Gila and Salt River Meridian, Arizona

T. 36 N., R. 10 W.
Sec. 15, NW¼NW¼, 40 acres;
Sec. 14, NE¼NE¼, 40 acres.

The above land aggregates 80 acres, more or less, in Mohave County, located approximately 50 miles south of St. George, Utah in Upper Hurricane Valley. There is no public access to either of these parcels. These parcels will be offered by direct sale to Rudger C. Atkin, Inc. and not sold for less than the appraised market value as follows:

T. 36 N., R. 10 W., Sec. 15, NW¼NW¼—$2,000.00.

T. 36 N., R. 10 W., Sec. 14, NE¼NE¼—$2,600.00.

Upon publication of this Notice in the **Federal Register** as provided in 43 CFR 2440.4, the land described above will be segregated from appropriation under the mining laws but excepting the mineral leasing laws for a period of not to exceed two years, or until the lands are sold, whichever occurs first. The segregative effective may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The land will be sold subject to the following reservations:

1. Oil and gas will be reserved to the United States.
2. Valid existing rights.
3. Reserve to the United States the right to construct ditches and canals.

The lands have no known for locatable or salable minerals, therefore the mineral interests except oil and gas will be offered for sale to the respective purchaser who will be required to deposit a $50 nonreturnable application fee (43 CFR 2720.1–2(c)).

For a period of 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 realty action will become the final determination of the Department of the Interior.

Additional information concerning the land, terms and conditions of the sale, may be obtained from G. William Lamb, District Manager, 196 East Tabernacle, St. George, Utah 84770 or by calling (801) 673–3545.

Dated: June 29, 1984.

G. William Lamb,

District Manager.

[FR Doc. 84–18490 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–32–M

Minerals Management Service

Development Operations Coordination Document; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Leases OCS–G 6021 and 4537, Blocks A–30 and A–31, Mustang Island Area, offshore Texas. 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 Aransas Pass, Texas.

DATE: The subject DOCD was deemed submitted on July 5, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: 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 section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: July 5, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84–18497 Filed 7–11–84; 8:45 am]

BILLING CODE 4310–MR–M

Oil and Gas and Sulfur Operations on the Outer Continental Shelf; Receipt of Proposed Development and Production Plan; Chevron U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a supplement to the Point Arguello Field Development and Production Plan describing the activities it proposes to conduct as operator of Lease OCS–P 0450, offshore California. The purpose of this Notice is to inform the public that

the Minerals Management Service (MMS) is considering approval of the plan and that it is available for public review and comment.

DATES: The plan may be reviewed weekdays, 8:00 a.m. to 3:00 p.m. Written comments must be received or postmarked by September 5, 1984.

ADDRESSES: The plan is available for public review at the Office of the Regional Manager, Pacific OCS Region, Minerals Management Service, Room 160, 1340 West Sixth Street, Los Angeles, California 90017. Written comments may be mailed or hand-delivered to the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Dunaway, Regional Supervisor, Field Operations Office, Pacific OCS Region, (213) 688-2083.

SUPPLEMENTARY INFORMATION: Section 25 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1351, requires the MMS to make any development and production plans available for public review. Regulation 30 CFR 250.34 provides for the publication of a Notice that such a plan is available for review.

John F. Fields,

Acting Regional Manager, Pacific OCS Region.

[FR Doc. 84-18483 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-MR-M

Alaska OCS Region; Approval of Outer Continental Shelf Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following revised OCS Official Protraction Diagrams, approved on the dates indicated, are available at the Minerals Management Service, Alaska Outer Continental Shelf Region, Anchorage, Alaska. In accordance with Title 30, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area represented.

Outer Continental Shelf Protraction Diagrams

Description and Revised Date

NN 8-2 Craig—April 6, 1984
NN 8-4 Dixon Entrance—April 9, 1984
NO 4-6 Ugashik—April 27, 1984
NO 5-2 Seldovia—May 3, 1984
NO 5-3 Mt. Katmai—April 30, 1984
NO 5-5 Karluk—April 30, 1984
NO 6-2 Middleton Island—May 1, 1984
NO 7-1 Icy Bay—May 1, 1984
NO 7-2 Yakutat—April 23, 1984
NO 7-4 Alsek Valley—April 25, 1984
NO 8-3 Mt. Fairweather—April 26, 1984
NO 8-5 Sitka—April 26, 1984
NO 8-7 Goddard—April 6, 1984
NP 5-8 Kenai—May 4, 1984
NR 4-2 Barrow—February 16, 1984

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Regional Manager, Minerals Management Service, Alaska Outer Continental Shelf Region, P.O. Box 101159, Anchorage, Alaska 99510-1159. Checks or Money Orders should be made payable to the Department of the Interior—Minerals Management Service.

Alan D. Powers,

Regional Manager, Alaska OCS Region.

[FR Doc. 84-18374 Filed 7-11-84; 8:45 am]

BILLING CODE 4301-MR-M

Development Operations Coordination Document; Getty Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a Proposal Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Getty Oil Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2354, Block 111, High Island Area, offshore Texas. 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 Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on July 2, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

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 Servie is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executive of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: July 2, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-18390 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Kerr-McGee Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4842, Block 34, 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 Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on July 5, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executive of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: July 5, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-18391 Filed 7-11-84; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than July 23, 1984. Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, Ms. Melita E. Yearwood (202) 632-3378, IRM/MMP, Room 708B, SA-12, Washington, D.C. 20523.

Date Submitted: June 26, 1984.

Submitting Agency: Agency for International Development

OMB Number: None

Form Number: AID 1620-8

Type of Submission: New

Title: Historically Black Colleges and Universities—Individual Profile

Purpose: The National Association for Equal Opportunity in Higher Education (NAFEO) is establishing a computerized data bank on technical skills and development expertise in administrative, professional and managerial personnel at historically black colleges and universities (HBCUs) to participate in programs administered by AID.

Date Submitted: June 26, 1984.

Submitting Agency: Agency for International Development.

OMB Number: None.

Form Number: AID 1620-9

Type of Submission: New

Title: Historically Black Colleges and Universities—Individual Profile

Purpose: This collection will help provide support to NAFEO with the objective of increasing participation of HBCUs in AID programs. An International Resource Inventory (IRI) of international development resources at the HBCUs will be compiled and maintained, consisting of institutional and academic capabilities of HBCUs in AID's priority sectors.

Reviewer: Francine Picoult (202) 395-7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Dated: June 26, 1984.

Fred D. Allen,

Acting Chief, Mandated Management Programs.

[FR Doc. 84-18387 Filed 7-11-84; 8:45 am]

BILLING CODE 6116-01-M

Housing Guaranty Program; Notice of Investment Opportunity; Correction

This is a correction of the Notice of Investment Opportunity for Zimbabwe originally published on June 28, 1984 in the **Federal Register**, pages 26647 col. 2 through 26648 col. 1, [FR Doc. 84-17178 Filed 6-27-84; 8:45 a.m.]. The individual and address for communication to the Government of Zimbabwe in that notice was incorrect. The correct name and address are as follows:

Zimbabwe

Project: 613-HG-002—$25,000,000

Mr. Nduna, Deputy Secretary, Ministry of Finance, Private Bag 7705, Causeway, Harare, Zimbabwe, Cable Address: MINFIN, Telex: MINFIN, ZIMGOV 2141, Telephone: 22101.

For any further information, please contact: Office of Housing and Urban Programs, Agency for International Development, Room 625, SA-12, Washington D.C. 20523, Telephone: (202) 632-9637.

Dated: July 10, 1984.

John T. Howley,

Deputy Director, Office of Housing and Urban Programs.

[FR Doc. 84-18636 Filed 7-11-84; 8:45 am]

BILLING CODE 4710-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30434]

Coe Rail, Inc.-Exemption-Acquistion and Operation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10901 *et seq.* acquisition and operation by Coe Rail, Inc. of a line of railroad between milepost 45.0 at Walnut Lake Road and milepost 50.7 at Wixom Road, a distance of 5.7 miles, which is presently owned by Grand Trunk Western Railroad Company.

DATES: This decision shall be effective on August 10, 1984. Petitions to stay must be filed by July 23, 1984. Petitions for reconsideration must be filed by August 1, 1984.

ADDRESSES: Send petitions referring to Finance Docket No. 30434 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's Representative: Mr. Allen I. Glass, 32969 Hamilton Court, Suite G-100, Farmington Hill, MI 48019.

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: July 5, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84-18425 Filed 7-11-84; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-No. 6)]

Interstate Rail Rate Authority—Idaho

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission has extended the provisional certification of the Idaho Public Service Commission under 49 U.S.C. 11501(b) to regulate Idaho intrastate rail rates, classifications, rules, and practices, to permit it to modify its standards and procedures as required by the full decision.

DATES: Idaho's provisional certification will expire September 10, 1984, unless prior to that date Idaho files revised standards and procedures complying with the requirements stated in the full decision. If Idaho timely files its revised standards, interested parties may file comments by October 9, 1984, and Idaho must reply by October 29, 1984.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write 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: July 3, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84–18423 Filed 7–11–84; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-114X)]

Seaboard System Railroad, Inc.—Abandonment Exemption—in Clay County, KY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903 *et seq.* the abandonment by Seaboard System Railroad, Inc., of approximately 3,086 feet of rail line between Valuation Stations 1188+79 and 1226+90.9 in Clay County, KY, subject to conditions for protection of employees. Tariff cancellation may be made effective on not less than 10 days' notice.

DATES: This exemption is effective on July 12, 1984. Petitions to reopen must be filed by August 1, 1984.

ADDRESSES: Send pleadings referring to AB–55 (Sub-No. 114CX) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Charles M. Rosenberger, Seaboard System Railroad, Inc., 500 Water Street, Jacksonville, FL 32202.

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: July 3, 1984

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84–18424 Filed 7–11–84; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30504]

Trans-Action Lines Limited—Control; Exemption

On June 13, 1984, Trans-Action Lines Limited (TALL) filed a notice of exemption under 49 CFR 1180.2(d)(2) and 1180.4(g), in connection with its acquisition of control of Burlington, Cedar Rapids and Northern Railway Company (BCR&N) in common with Prairie Central Railway Company (Central). TALL is owned by Craig E. Burroughs, who also controls, through stock ownership, Trans-Action Associates, Inc., which in turn, owns Louisiana Midland Railway Company (Louisiana Midland) and Prairie Trunk Railway (Trunk).[1] Central, Louisiana Midland, and Trunk are Class III rail carriers operating in Illinois, Louisiana, and Illinois, respectively. BCR&N is a recently organized company that will acquire and operate 38.92 miles of rail property currently owned by Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island) between Burlington and Columbus Junction, IA.[2]

This acquisition of control of BCR&N by TALL, and, in turn, by Mr. Burroughs, is exempt under 49 CFR 1180.2(d)(2). The lines of BCR&N, Central, Louisiana Midland, and Trunk do not connect with each other. The acquisition of BCR&N is not part of a series of anticipated transactions that could connect the railroad lines. The transaction involves no class I carriers.

As a condition to use of this exemption, any employee affected by the acquisition of control shall be protected pursuant to *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

This notice is effective upon publication.

Decided: July 6, 1984

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84–18422 Filed 7–11–84; 8:45 am]

BILLING CODE 7035–01–M

[1] These relationships have been approved in *Prairie Trunk Railway—Acquisition and Operation*, 348 I.C.C. 832 (1977), and Finance Docket No. 29687, *Prairie Central Railway Company—Petition for Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343* (not printed), serve April 21, 1982.

[2] This proposal was approved in Finance Docket No. 30482, *Burlington, Cedar Rapids & Northern Railway Company—Exemption—49 U.S.C. 10901 and 11301* (not printed), served May 21, 1984.

DEPARTMENT OF JUSTICE

Filing of Stipulation

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on June 26, 1984, a Stipulation in *United States* v. *Hooker Chemicals & Plastics Corp., et al.*, Civil Action No. 79–987 (JTC) was filed with the United States District Court for the Western District of New York.

The stipulation and accompanying Work Plan provide for the performance of a Remedial Investigation by the defendants Occidental Chemical Corporation and Olin Corporation upon the 102nd Street Landfill site in Niagara Falls, New York. It contemplates that any subsequent remedial action will be embodied in a formal consent decree upon which public comment will be sought.

The Stipulation may be examined at the Office of the United States Attorney, 502 U.S. Courthouse, Court & Franklin Streets, Buffalo, New York 14202; and at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, Room 900, New York, New York 10007; and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1515, 9th Street & Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the Stipulation may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check or money order in the amount of $7.50 (10 cent per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Division.

[FR. 84–18426 Filed 7–11–84; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby

given that a meeting of the Challenge/Advancement Ad Hoc Review Committee to the National Council on the Arts will be held on July 26–27, 1984, from 9:00 a.m.–5:30 p.m. in Room M–14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC.

This meeting is 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. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions 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 with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: July 3, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–18493 Filed 7–11–84; 8:45 am]

BILLING CODE 7537–01–M

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, N.W., Washington D.C. 20506.

1. Date: July 26–27, 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, 1985.

2. Date: July 30–August 1, 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, 1985.

3. Date: August 2, 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, 1985.

4. Date: August 3, 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, 1985.

5. Date: August 13–14, 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, 1985.

6. Date: August 2–3, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: M–14.
Program: This meeting will review applications submitted for the "Humanities Instruction in Elementary and Secondary Schools" programs, for projects beginning after January, 1985.

7. Date: August 6–7, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: M–14.
Program: This meeting will review applications submitted for the "Humanities Instruction in Elementary and Secondary Schools" programs, for projects beginning after January, 1985.

8. Date: August 16–17, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: M–14.
Program: This meeting will review applications submitted for the "Humanities Instruction in Elementary and Secondary Schools" programs, for projects beginning after January, 1985.

9. Date: July 31–August 1, 1984.
Time: 9:00 a.m. to 5:00 p.m.
Room: 430.
Program: This meeting will review Challenge Grant applications from Public Libraries.

10. Date: August 1, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Fellowship for Independent Study and Research Constitutional applications submitted to the Division of Fellowships and Seminars for projects beginning after January 1, 1985.

11. Date: August 2, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review Fellowship for College Teachers Constitutional and American Government applications submitted to the Division of Fellowships and Seminars for projects beginning after January 1, 1985.

12. Date: August 2, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Fellowships for Independent Study and Research and Fellowships for College Teachers applications in Music and Dance: History and Criticism submitted to the Division of Fellowships and Seminars for projects beginning after January 1, 1985.

13. Date: August 3, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Fellowships for Independent Study and Research and Fellowships for College Teachers applications in Latin American and Non-Western History submitted to the Division of Fellowships and Seminars for projects beginning after January 1, 1985.

14. Date: August 6, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Fellowships for Independent Study and Research applications in American Literature and Film, submitted to the Division of Fellowships and Seminars for projects beginning after January 1, 1985.

15. Date: August 7, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Fellowships for Independent Study and Research applications in Romance and Classical Languages and Literature submitted to the Division of Fellowships and Seminars for projects beginning after January 1, 1985.

16. Date: August 7, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review Fellowships for College Teachers applications in Romance and Classical Languages and Literature submitted to the Division of Fellowships and Seminars for projects beginning after January 1, 1985.

17. Date: August 7–8, 1985.
Time: 9:00 a.m. to 5:00 p.m.
Room: 430.
Program: This meeting will review Challenge Grant applications from M.A. Universities and Four-Year Colleges.

18. Date: August 8, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Fellowships for Independent Study and Research and Fellowships for College Teachers applications in Germanic, Oriental and Slavic Languages and Literature submitted to the Division of Fellowships and Seminars for projects beginning after January 1, 1985.

19. Date: August 13, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Fellowships for College Teachers applications in American Literature; American Studies; and Theater submitted to the Division of Fellowships and Seminars for projects beginning after January 1, 1985.

20. Date: August 14, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Fellowships for Independent Study and

Research applications in European History submitted to the Division of Fellowships and Seminars for projects beginning after January 1, 1985.

21. Date: August 14–15, 1984.
Time: 9:00 a.m. to 5:00 p.m.
Room: 430.
Program: This meeting will review Challenge Grant applications from Four-Year Colleges.

22. Date: August 15, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review History for Independent Study and Research applications in Philosophy submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1985.

23. Date: August 15, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316–2.
Program: This meeting will review Fellowships for Independent Study and Research and Fellowships for College Teachers applications in Political Science submitted to the Division of Fellowships and Seminars 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 priviledge 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 522b 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. 84–18498 Filed 7–11–84; 8:45 am]
BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Approval

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357–9421
OMB Desk Officer: Carlos Tellez, (202) 395–7340
Title: U.S. Foreign Exchange of Scientistis Programs
Affected Public: Individuals
Number of Responses: 500 total responses; total of 500 burden hours.
Abstract: U.S./French, India, Switzerland agreement exchange of young scientists to help develop scientific and technical cooperation between two nations.

Dated: July 9, 1984.

Herman G. Fleming,
Agency Clearance Officer.

[FR Doc. 84–18388 Filed 7–11–84; 8:45 am]
BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293]

Boston Edison Co. (Pilgrim Nuclear Power Station); Exemption

I.

The Boston Edison Company (BECo/the licensee) is the holder of Facility Operating License No. DPR–35 (the license) which authorizes operation of the Pilgrim Nuclear Power Station, located in Plymouth County, Massachusetts, at steady state reactor core power levels not in excess of 1998 megawatts thermal. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Appendix J was published on February 14, 1973 and, in August 1975, each licensee was requested to review the extent to which its facility met the requirements.

On October 10, 1975, the Boston Edison Company submitted to evaluation of the Pilgrim Nuclear Power Station with respect to the requirements of Appendix J and that submittal was supplemented by letters dated January 27, 1976; June 4, 1976; and October 27, 1980. In these submittals, BECo requested that certain test methodology, components, and penetrations be exempted from Appendix J requirements.

The Franklin Research Institute (FRC), as a consultant to NRC, reviewed the licensee's submittals and prepared a Technical Evaluation Report (TER) which recommended that the exemption request relative to testing the main steam isolation values be granted. The NRC staff has reviewed the bases and findings in the TER and concurs with FRC's recommendation.

The exemption found to be necessary concerns the requirement in Section III.C.2 of Appendix J that Type C testing be performed at the calculated peak containment internal pressure (Pa) related to the design basis accident. The licensee proposes to test the main steam isolation values (MSIVs) at 23 psig instead of 45 psig (Pa) on the following basis: The main steam system design in most operating BWR plants, including Pilgrim, necessitates leak testing of the MSIVs by pressurizing the pipes between the the inboard and outboard valves. The MSIVs are angled in the main steam lines in the direction of flow to afford better sealing upon closure. However, a test pressure of Pa acting on the inboard valve in the opposite direction is sufficient to lift the valve disc off its seat and results in excessive leakage into the reactor vessel. That would be a meaningless test. The proposed test calls for a test pressure of 23 psig to avoid lifting the inboard valve disc. The total observed leakage through both the inboard and outboard valves is then conservatively assigned to the penetration.

On the basis of the review results provided in the Staff's Safety Evaluation, the staff concludes that testing the MSIVs at 23 psig is acceptable.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby

approves the exemption request as follows:

Exemption is granted from the requirements of Section III.C.2 of Appendix J pertaining to the Type C testing of the main steamline isolation valves at a test pressure of Pa. Testing them at a reduced pressure of 23 psig is acceptable due to the unique design of the valves.

Environmental Assessment

Pursuant to 10 CFR 51.30, the staff concludes as follows regarding the listed factors:

(1)(i) The need for the proposed action is described above;

(ii) The alternative to the exemption would be to require literal compliance with Appendix J, Section III.C.2. Such an action would not enhance the protection of the environment and would be adverse to the public interest generally;

(iii) The issuance of the exemption, or its denial, would not affect the environmental impact of the facility;

(2) The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Based on the above assessment, the NRC staff concludes, pursuant to 10 CFR 51.32, that the issuance of the exemption will have no significant impact on the environment.

For further details with respect to this action, see the Commission's related Safety Evaluation, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington D.C., and at the Plymouth Public Library, North Street, Phymouth, Massachusetts 02360.

Dated at Bethesda, Maryland, this 2nd day of July, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-18512 Filed 7-11-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-441]

Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Unit 2); Receipt of Request for Action

Notice is hereby given that by Petition dated June 4, 1984, the Ohio Citizens for Responsible Energy requested that Cleveland Electric Illuminating Company (CEI) show cause why the construction permit for the Perry Unit 2 facility should not be revoked or suspended. The basis for the Petition is CEI's cessation of construction of the Perry 2 facility. The Petition alleged that CEI's apparent abandonment of construction of the facility constitutes grounds for revocation or suspension of a construction permit. The Petition also alleges that CEI's silence to the Commission on the matter of completion of the facility and its statements that corrective actions would be completed on Unit 2, which statements contradict other public statements that no work is being done or money is being expended on the facility, raise the question of whether CEI has made a material false statement which would constitute grounds for revocation of its construction permit. The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. As provided by § 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the Petition is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room for the Perry facility located at Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Bethesda, Maryland, this 3rd day of July 1984.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 84-18513 Filed 7-11-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power 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-61 issued to Connecticut Yankee Atomic Power Company (the licensee), for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

The amendment would modify the Technical Specifications (TS) for Haddam Neck to change the discharge pressure requirements for ECCS periodic flow testing in accordance with the licensee's application for amendment dated May 31, 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.

In the May 31, 1984 submittal, the licensee states:

The proposed change has been reviewed by the Plant Operations Review Committee and the Nuclear Review Board and has been determined not to constitute an unreviewed safety question pursuant to 10 CFR 50.59. This conclusion has been reached because existing parameters for HPSI and LPSI pump verification testing are based upon actual manufacturer pump curves. This testing has been overly conservative since the pump parameters assumed in the accident analyses are less than the actual pump capabilities. The assumptions used in the accident analyses permit the current Technical Specification testing requirements to be relaxed. The bases for the revised pump testing requirements are (a) the degraded pump performance curve used in the accident analyses and (b) allowance for instrument error during actual pump performance testing. Although the proposed testing criteria are less restrictive than current test criteria, a change in Technical Specification safety margin does not result since the original safety margins are maintained.

In accordance with 10 CFR 50.92, CYAPCo has reviewed the attached proposed change and has concluded that it does not involve a significant hazards consideration. The basis for this conclusion is that the three criteria of 50.92(c) are not compromised, a conclusion which is supported by our determination made pursuant to 10 CFR 50.59. Further, the changes fall within the envelope of Item (vii) (April 6, 1983, 48 FR 14870) of amendments that are considered not likely to involve significant hazards consideration. Specifically, although this change does propose to reduce the allowable ECCS pumps discharge pressures, this reduction is clearly within the allowable limits of the safety analyses. The proposed values were derived from a review of the current safety analyses upon which the plant is licensed. The change merely eliminates some unnecessary conservatism from the existing values.

The staff has reviewed the submittal and agrees with the licensee's conclusion with respect to 10 CFR 50.92. Therefore, the staff intends to find that this action involves no significant hazards consideration.

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 August 13, 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. Request 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 aspects of the subject matter of the proceding 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) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Dennis M. Crutchfield: petitioner's name and telephone number; 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 Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney 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, N.W., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

Dated at Bethesda, Maryland, this 2d day of July 1984.

For the Nuclear Regulatory Commission.

James E. Lyons,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 84–18514 Filed 7–11–84; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. 50–269; 50–270, and 50–287]

Duke Power Co. (Oconee Nuclear Station, Units 1, 2 and 3); Order Confirming Licensee Commitments on Emergency Response Capability

I

Duke Power Company (DPC or the Licensee) is the holder of Facility

Operating Licenses Nos. DPR-38, DPR-47 and DPR-55 which authorize the operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3 (the facilities) at steady-state power levels not in excess of 2568 megawatts thermal for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Oconee County, South Carolina.

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

DPC responded to Generic Letter 82-33 by letter dated April 14, 1983. By letters dated August 23, and December 27, 1983, February 16, March 23, and May 3, 1984, DPC modified several dates as a result of anticipated delays in control board modifications and the delayed receipt of the ATOG SER. In these submittals, DPC made commitments to complete the basic requirements. The following Table summarizing DPC's schedular commitments or status was developed by the NRC staff rom the Generic Letter and the information provided by DPC.

DPC'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 DPC's April 14, August 23, December 27, 1983, February 16, March 23, and May 3, 1984, letters and finds that the modified dates are reasonable, achievable dates for meeting the NRC 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 DPC's commitments is 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 DPC's submittal noted in Section III herein nó 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.

Dated at Bethesda, Maryland, this 6th day of July 1984.

This Order is effective upon issuance.

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.	Completed.
	1b. SPDS fully operational and operators trained	Unit 1 January 1985;[1] Unit 2 July 1985; Unit 3 November 1984.[1]
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC	Completed.
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Do.
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.	September 1984.[1]
	3b. Implement (installation or upgrade) requirements	Schedule to be confirmed based on September 1984 report requirements.
4. Upgrade Emergency Operating Procedures (EOPs)	4a. Submit a Procedures Generation Package to the NRC	Completed.
	4b. Implement the upgraded EOPs	October 1985.
5. Emergency Response Facilities	5a. Technical Support Center fully functional	Completed.[1]
	5b. Operational Support Center fully functional	Do.
	5c. Emergency Operations Facility fully functional	EOF Siting Relief Requested by Ltr dated June 3, 1983.

[1] Except for SPDS and Regulatory Guide 1.97 (See Item 1 and 3 above).

[FR Doc. 84-18515 Filed 7-11-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-366]

Georgia Power Co., et al.; Environmental Assessment and Final Finding of No Significant Impact Regarding Proposed Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. NPF-5 issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia, (the licensees) for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 2 (the facility) located in Appling County, Georgia.

Environmental Assessment

Identification of Proposed Action: The proposed action would permit the licensees to implement changes (called the Average Power Range Monitor/Rod Block Monitor/Technical Specification (ARTS) Improvement Program) to Hatch Plant, Units 1 and 2, and Technical Specifications as described in their letter of February 6, 1984, as supplemented April 3, 1984. The following assessment only applies to Unit 2 at this time.

The Need for the Proposed Action: The need for the proposed action is to:

(i) Reduce the need for manual setpoint adjustments and allow for more direct thermal limit administration;

(ii) Improve the quality of electronic hardware in the Rod Block Monitor; and

(iii) Change certain operating limits to bring about consistency among the various changes being implemented.

Environmental Impacts of the Proposed Action: The proposed action improves the accuracy of indications provided to the operator for control of thermal parameters in the reactor. The new power level is unchanged. The response of the reactor protection system under accident conditions is unchanged. Thus, post-accident radiological releases will not be greater than previously determined, nor does the proposed change otherwise affect radiological plant effluents. Occupational exposures to radiation would also be unaffected. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed amendment.

With regard to potential nonradiological impacts, the proposed change involves systems located within the restricted area as defined in 10 CFR Part 20. No nonradiological effluents are affected, and no other environmental impact would occur. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed change.

Since we have concluded that there is no measurable environmental impact associated with the proposed changes to the TSs, any alternatives to these changes will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in connection with the Final Environmental Statements related to Hatch Unit 2 operation (Final Environmental Statement dated October 1972 and NUREG-0417, dated March 1978).

Agencies and Persons Consulted: The Commission's staff reviewed the licensees' request and did not consult other agencies or persons.

Finding of no Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated February 6, 1984, as supplemented April 3, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Dated at Bethesda, Maryland, this 9th day of July 1984.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Deputy Director, Division of Licensing.

[FR Doc. 84-18516 Filed 7-11-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District (Cooper Nuclear Station); Exemption

I

The Nebraska Public Power District (NPPD/licensee) is the holder of Facility Operating License No. DPR-46 which authorizes NPPD to operate the Cooper Nuclear Station at power levels not in excess of 2381 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Nemaha County, Nebraska. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereinafter in effect.

II

On February 17, 1981, the fire protection rule for nuclear power plants, 10 CFR 50.48 and Appendix R, became effective. Section 50.48 requires that licensed operating reactors be subject to the requirements of Appendix R to 10 CFR Part 50. Appendix R contains certain general and specific requirements for fire protection programs. This rule requires all licensees of plants licensed prior to January 1, 1979, to submit: (1) Plans and schedules for meeting the applicable requirements of Appendix R, (2) a design description of any modifications proposed to provide alternative safe shutdown capability pursuant to Paragraph III.G.3 of Appendix R, and (3) exemption requests for which the tolling provision of § 50.48(c)(6) is to be invoked. Section 50.48(c) establishes the schedules for satisfying the provisions of Appendix R.

The licensee responded to these requirements by letter dated June 28, 1982, as supplemented and amended by letters dated March 18, 1983 and June 2, 1983. In these letters the licensee requested certain exemptions from the requirements of Section III.G. of Appendix R. Section III.G. requires that one train of equipment and cables necessary to achieve and maintain safe shutdown be kept free of fire damage by separating the redundant trains by three-hour fire rated barriers or by distance or one-hour barriers where additional fire suppression and fire detection features are provided. The licensee requested exemption from Section III.G. of Appendix R within seven plant five areas and a general exemption for four specfic areas from the requirements of Section III.G. to the extent that it requires three-hour fire rated boundaries for the separation of fire areas.

By letter dated September 21, 1983, we granted exemptions from the requirements of Section III.G. of Appendix R for all 11 plant areas where an exemption was requested. For six plant areas, exemptions were granted on the basis that the level of fire protection existing in the areas is equivalent to the technical requirements of Section III.G. For the other five areas, the exemptions were granted on the basis that the implementation of proposed modifications to the fire protection features would upgrade the level of protection to be equivalent to the technical requirements of Section III.G. of Appendix R. In accordance with 10 CFR 50.48(c) and the tolling provisions therein, all modifications upon which the exemptions are based should be completed within nine months of the letter granting the exemption, that is, by June 21, 1984, unless the modifications can only be safely implemented during a plant shutdown.

III

By letter dated May 23, 1984, the licensee requested an exemption from the schedular requirements of 10 CFR 50.48(c) for the modifications to one of the fire areas discussed above. For this area, the fire suppression system modifications in the cable spreading room, the licensee requested a schedular extension until October 1984. The licensee states that the proposed fire barrier modifications for the cable spreading room will be completed by June 21, 1984. However, the modifications to the cable spreading room fire suppression system cannot be implemented until the fire barrier modifications are complete. Although the fire barrier materials were ordered in early 1984, delivery delays coupled with the need for installation training resulted in a slippage in the fire barrier installation start date. The delay in fire barrier installation resulted in subsequent delay in the fire suppression system installation. Therefore, the licensee requests an extension until October 1984 refueling outage for implementation of the cable spreading room fire suppression system modifications.

The licensee has stated that all the other modifications that do not require a plant shutdown to be safely implemented will be completed by June 21, 1984. That is, the fire barrier modifications to the control building basement, cable spreading room, cable expansion room and critical switchgear rooms 1F and 1G will be completed in accordance with the nine month provisions of 10 CFR 50.48(c). The remaining modification required by the previous exemption to Section III.G. of Appendix R is the service water pump room fire suppression system. The licensee's safety review of the wet pipe suppression system installation in the service water pump room has revealed a concern for the operability of the service water pumps and the service water pump gland seal pumps in the event of an inadvertent or required suppression system actuation. A design change to eliminate the gland seal pumps must be implemented during the October 1984 refueling outage along with the installation of the service water pump room fire suppression system. Implementation of this modification during the October 1984 refueling outage is in accordance with 10 CFR 50.48(c).

Based on our consideration of the above, we conclude that the licensee made proper application of the available resources in a best effort to implement the required fire protection modifications in a timely manner. All but one modification required to be completed by June 21, 1984 will be completed. However, the time allowed proved to be insufficient to permit full implementation. Although the cable spreading room fire suppression system modifications will not be implemented by June 21, 1984, the cable spreading room is provided with a fire detection system and an area fire suppression system and the fire barrier modification will be implemented within the allowed time. On this basis the staff has judged that the request for exemption to allow additional time to complete the modifications to the cable spreading room fire suppression system until the October 1984 refueling outage should be granted.

IV

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12, the exemption requested in the licensee's letter dated May 23, 1984 as discussed in Section III above is authorized by law, will not endanger life or property or the common defense and security, is otherwise in the public interest and is hereby granted. Therefore, the Commission hereby approves the following exemption from the schedular requirements of § 50.48(c) of 10 CFR Part 50:

Exemption is granted from the requirement to complete the modifications to the cable spreading room fire suppression system by June 21, 1984. The implementation date for these modifications is hereby extended to the end of the refueling outage beginning in October 1984.

Environmental Assessment

Pursuant to 10 CFR 51.30, the staff concludes as follows regarding the listed factors:

(1)(i) The need for the proposed action is described above;

(ii) The alternative to the exemption would be to require literal compliance with Appendix R. Such an action would not enhance the protection of the environment and would be adverse to the public interest generally;

(iii) The issuance of the exemption, or its denial, would not affect the environmental impact of the facility;

(2) The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Based on the above assessment, the NRC staff concludes, pursuant to 10 CFR 51.32, that the issuance of the exemption will have no significant impact on the environment.

Dated at Bethesda, Maryland, this 2nd day of July 1984.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 84-18517 Filed 7-11-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Units No. 1 and No. 2); Order Confirming Licensee Commitments on Emergency Response Capability

I

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-24 and DPR-27 which authorize the operation of the Point Beach Nuclear Plant, Units No. 1 and No. 2 (the facilities) at steady-state power levels not in excess of 1518 megawatts thermal. The facilities are pressurized water reactors located at the licensee's site in Manitowoc County, Wisconsin.

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

The licensee responded to Generic Letter 82–33 by letter dated April 15, 1983. In this submittal, the licensee made commitments to complete the basic requirements. The following Table summarizing the licensee's schedular commitments or status was developed by the NRC staff from the Generic Letter and the information provided by the licensee. The licensee supplied additional information on the status of the implementation of some related items by letters dated June 16, August 24, September 1, 1983, March 8, March 30 and May 3, 1984.

The licensee's commitments include (1) dates for providing required submittals to the NRC and (2) dates for implementing certain requirements.

The NRC staff reviewed the licensee's April 15, 1983 letter and noted that certain requirements related to the location of the licensee's Emergency Operations Facilities have been brought before the Commission for review. The staff has recommended that the Commission deny the licensee's request for deviation from the location requirements for Emergency Operations Facilities at Point Beach. By memorandum dated July 15, 1983 the Commission indicated that they do not disagree with the staff's recommendation.

The NRC staff finds that the licensee's proposed dates for meeting the requirements of Supplement 1 to NUREG-0737 are reasonable, achievable dates and 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 the licensee's commitments is 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 the licensee'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 2nd day of July 1984.

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.	April 30, 1985.
	1b. SPDS fully operational and operators trained	December 31, 1985.
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC	July 31, 1984.
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	October 31, 1985.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	31. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG–0737 have been or will be met.	Complete.
	3b. Implement (installation or upgrade) requirements	December 31, 1985.
4. Upgrade Emergency Operating Procedures (EOPs)	4a. Submit a Procedures Generation Package to the NRC	Complete.
	4b. Implement the upgraded EOPs	January 31, 1985.
5. Emergency Response Facilities	5a. Technical Support Center fully functional	Building complete. Emergency power available December 1984.
	5b. Operational Support Center fully functional	Complete.
	5c. Emergency Operations Facility fully functional	December 1985.

[FR Doc. 84–18518 Filed 7–11–84 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21120; File Nos. SR-MCC-84-4 and SR-PCC-84-9]

Self-Regulatory Organizations; Filing and Order Approving on an Accelerated Basis Proposed Rule Changes of Midwest Clearing Corporation and of Pacific Clearing Corporation

July 6, 1984.

The Midwest Clearing Corporation ("MCC") on May 22, 1984, and the Pacific Clearing Corporation ("PCC") on June 22, 1984, submitted proposed rule changes to the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1). The Commission is publishing notice of the proposed rule changes to solicit comments. Also, because the Commission believes that rapid implementation of the proposals is necessary for timely development of automated comparison systems for municipal securities transactions, the Commission is approving the proposals on an accelerated basis.

Written comments on the proposal may be submitted within 21 days from the date this Order is published in the **Federal Register**. Six copies should be filed with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Please refer to File Nos. SR-MCC-84-4 and SR-PCC-84-9.

Copies of the proposals, amendments, comment letters, and written communications relating to the proposed rule changes other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, may be inspected and copied at the Commission's Public Reference Room in Washington, D.C. Filings also may be inspected and copied at the above-referenced self-regulatory organizations.

I. Introduction

Recent changes in Municipal Securities Rulemaking Board ("MSRB") rules soon will require municipal securities brokers and dealers to use an automated comparison system for certain interdealer trades.[1] National Securities Clearing Corporation ("NSCC"), with Commission approval, has developed a system to provide automated comparison services to municipal securities brokers and dealers.[2] In addition to providing services to its own participants, NSCC will be providing centralized, automated comparison services to other clearing agencies for municipal securities trade data submitted to NSCC by those clearing agencies on behalf of their participants. MCC's and PCC's proposals would establish systems at those clearing corporations for submitting their participants' municipal securities trades to NSCC for automated comparison processing and producing participant reports based on trade data returned from NSCC.[3] The proposals are a major step toward creation of an automated national processing system for municipal securities transactions.

II. Description of Proposed Rule Changes

The proposals would link MCC's and PCC's automated comparison systems to NSCC's automated comparison system. Under the proposals, MCC and PCC will receive municipal securities trade data from their participants and will transmit that data daily to NSCC. NSCC will enter that data into its Municipal Bond Processing System to compare trades. The results of that processing then will be transmitted back to MCC and PCC. MCC and PCC will use the returned data to generate daily reports to their participants reflecting compared trades, uncompared trades, and advisory trades. Participant responses to advisories and other forms of uncompared trade notices will be forwarded by MCC and PCC to NSCC, thereby concentrating at NSCC all data processing related to resolution of uncompared trades.[4]

The two proposals contain different requirements for clearance and settlement of municipal securities trades by full settling participants.[5] Under MCC's proposal, full settling participants may choose to clear municipal securities transactions through CNS or Trade-for-Trade.[6] CNS will be available only if: (1) Both parties request CNS; (2) both parties are full settling participants of a clearing corporation that is linked to NSCC's Municipal Bond Processing System; and (3) the traded security is eligible for CNS. Under PCC's proposal, full settling participants must use Trade-for-Trade settlement. PCC states in its filing, however, that it plans to make CNS available to full settling participants for municipal securities transactions by the Fall of 1984, when necessary operational changes are projected to be completed.

MCC's and PCC's proposals include a new membership category for municipal securities brokers and dealers that do not wish to become full settling participants. These Municipal Comparison Only ("MCO") participants may use the clearing corporations' linked automated municipal securities comparison systems but may not use any other MCC or PCC services. MCO participants will submit their municipal securities trade data and receive daily reports in the same manner as full settling participants. In addition, MCC and PCC will generate bond receive and deliver orders for MCO participants' use in settlement. However, MCO participants must settle their trades outside MCC and PCC facilities, under applicable MSRB rules.

MCC and PCC will not guarantee trades of MCO participants. Consequently, MCO participants, unlike full settling participants, will not be required to contribute to the clearing corporations' clearing funds and will not be subject to any other financial safeguard mechanisms, such as marking to the market. However, MCO participants will be subject to applicable MCC and PCC rules, such as rules

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[1] *See* Securities Exchange Act Release No. 20365 (November 14, 1983), 48 FR 52531 (November 18, 1983), which approved proposed changes to MSRB Rules G-12 and G-15 to establish a two-phased timetable for integrating municipal securities brokers and dealers into the National Clearance and Settlement System. By August 1, 1984, municipal securities brokers and dealers that participate in registered clearing agencies, or clear transactions through an agent that is a member of a registered clearing agency, must use the automatic comparison facilities of a registered clearing agency to compare certain transactions in municipal securities issues that are assigned CUSIP numbers. By February 1, 1985, brokers and dealers that are members of a registered depository, or that clear transactions through an agent that is a member of a registered depository, must settle by book-entry through a registered depository for certain transactions of depository-eligible securities that have been compared through a registered clearing agency.

[2] *See* Securities Exchange Act Release No. 20976 (May 18, 1984), 49 FR 22426 (May 29, 1984), which permanently approved implementation of NSCC's Municipal Bond Processing System.

[3] The Depository Trust Company and Stock Clearing Corporation of Philadelphia, in addition to MCC and PCC, plan to link with NSCC's Municipal Bond Processing System.

[4] The link will afford MCC and PCC participants full use of NSCC's supplementary trade resolution mechanisms by allowing them to enter such inputs as Withhold, Demand As-Of, Demand Withhold, Withhold Delete, and various Advisory inputs.

[5] A full settling participant is a participant subject to all of a clearing agency's rules and entitled to use all of the clearing agency's services, including Continuous Net Settlement accounting ("CNS").

[6] In Trade-for-Trade accounting, compared trades result in generation of bond receive and deliver orders, and settlement for each transaction is made by payment and physical delivery or book-entry depository delivery of securities.

governing member financial responsibility and operational capability.

The proposals also add savings and loan associations to the types of organizations eligible for full settling membership in MCC and PCC. MCC and PCC represented to the Commission that this change is not related to linking automated comparison systems for municipal securities transactions.[7]

III. MCC's and PCC's Rationale for the Proposed Rule Changes

MCC and PCC intended the proposals to help the municipal securities industry comply with the recent changes in MSRB rules requiring automated comparison for certain trades.[8] By linking their automated comparison systems to NSCC, MCC and PCC will enable their participants to use NSCC's Municipal Bond Processing System. MCC and PCC believe that establishing these links is an economical means for facilitating compliance with the MSRB automated comparison requirement.

Creation of the MCO participant category is intended to attract to the clearing corporations municipal securities brokers and dealers not currently participating in a clearing corporation. MCC and PCC expressly state that MCO participant trades will not be guaranteed; in fact, MCO participants must settle trades outside clearing corporation facilities. This limitation precludes any MCC or PCC liability for MCO participant trades. Therefore, MCC and PCC believe that creation of an MCO membership category does not affect their ability to safeguard securities and funds.

MCC and PCC believe that their proposals are consistent with Section 17A of the Act because they enhance development of a national system for clearance and settlement of municipal securities transactions. MCC and PCC also believe that their proposals are consistent with Section 17A of the Act because they foster cooperation and coordination in the securities processing industry.

MCC and PCC requested accelerated approval for these proposals to enable them to gain experience operating the linked comparison systems before the amended MSRB rules become effective. Also, MCC and PCC note that accelerated approval would ease municipal securities brokers' and dealers' compliance with the MSRB rules by allowing them to become familiar with system operations at MCC and PCC before use of the systems is required.

IV. Discussion

For the following reasons, the Commission believes that the proposals are consistent with Section 17A of the Act and should be approved. First, the Commission believes that linking MCC's and PCC's automated comparison systems with NSCC is an efficient and economical method of supplying required automated comparison services to the municipal securities industry. Such links are vital to development of a national system for clearance and settlement of municipal securities transactions. Second, the Commission believes that the proposals are consistent with current industry practice, in that they maintain the Trade-for-Trade settlement option for all municipal securities transactions. In the Commission's view, providing a settlement option that is consistent with current industry practice will facilitate compliance with the MSRB's rules by municipal securities brokers and dealers required to begin using automated comparison on August 1, 1984. Third, the Commission agrees that the MCO membership category is an appropriate vehicle for introducing automated comparison systems to municipal securities brokers and dealers not currently participating in a clearing corporation. The Commission believes that by providing a limited service while imposing limited operational and financial requirements, the MCO membership category will help ease smaller municipal securities brokers and dealers into the National Clearance and Settlement System. Fourth, the Commission agrees that creation of the MCO membership category will have no adverse effect on MCC's and PCC's ability to safeguard securities and funds. Because MCC and PCC will not guarantee or otherwise be obligated to settle MCO participant transactions, the Commission believes that it is appropriate for MCC and PCC to not require MCO participants to contribute to their clearing funds and to not subject them to other financial safeguard mechanisms.

V. Conclusion

On the basis of the foregoing, the Commission finds the proposed rule changes consistent with the requirements of the Act, particularly Section 17A, and applicable Commission rules. Furthermore, the Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after publishing notice of filing. The Commission agrees that immediate implementation of the proposal is desirable because it will allow MCC and PCC to develop their operational capabilities prior to the time use of the linked comparison systems is required, and also because it will enable municipal securities brokers and dealers to become familiar with the system prior to its mandatory use.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule changes referenced above be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-18462 Filed 7-11-84; 8:45 am]

BILLING CODE 8010-01-M

[7] *See* letter amendment from MCC dated June 18, 1984, in File No. SR-MCC-84-4, which states that the change is in response to a demand for MCC's services by a savings and loan association.

[8] *See* note 1 above.

[Release No. 21118; File No. SR-OCC-84-8]

Self-Regulatory Organizations; Order Permanently Approving a Proposed Rule Change of Options Clearing Corporation

July 5, 1984.

The Options Clearing Corporation ("OCC") on May 10, 1984, submitted to the Commission a proposed rule change under section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1). The proposal would amend OCC's By-laws to allow OCC to reimburse itself from its Stock Clearing Fund and Non-Equity Securities Clearing Fund for losses due to the failure of banks used by OCC for clearance and settlement operations. OCC requested approval of the proposal on an accelerated basis under Section 19(b)(2) of the Act because it perceived increased instability in the banking industry during the months prior to its proposal. The Commission granted OCC's request for accelerated approval and on May 11, 1984, issued a combined notice of filing and Order temporarily approving the proposal for 60 days.[1] The Commission requested comment but received none. For the reasons stated in its May 11, 1984, Order, the Commission finds that the proposed rule change is consistent with Section 17A of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that OCC's proposed rule change be, and hereby is, approved.

[1] *See* Securities Exchange Act Release No. 20953 (May 11, 1984), 49 FR 20967 (May 17, 1984) for a full description and discussion of OCC's proposal and the Commission's reasons for approving it.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-18467 Filed 7-11-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21117; File No. SR-PSE-84-12]

Self-Regulatory Organizations; Filing and Partial Immediate Effectiveness of Proposed Rule Change by Pacific Stock Exchange, Inc.

July 2, 1984.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 11, 1984, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. On June 19, 1984, the PSE submitted Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would modify Section 9(b) of PSE Rule IX (Exchange Memberships) so that if a former PSE member submits a new membership application within six months after termination of his membership, the amount of the non-refundable application fee would be $100, instead of the regular application fee of $250. The PSE states that this proposed rule change would be consistent with section 6(b)(5) of the Act in that it would promote just and equitable principles of each and would protect investors and the public interest.

The foegoing change has become effective, pursuant to Section 19 (b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The proposed rule change would further modify Section 3(d) of PSE Rule IX as follows: (i) If an application for membership were withdrawn after being posted for notice to the membership but before being approved or disapproved, the application could be resubmitted without the need for a second posting if the new application were submitted within three months of the original posting date; and (ii) if an applicant is approved for membership but fails to acquire and pay for a membership within three months after notice, the applicant would be subject to the notice and posting requirement again, before such membership becomes effective. Additionally, in Amendment No. 1 to the filing, the PSE would add Commentary .02 to Rule IX, Section 9(c) to provide that a natural person or a firm who furnishes funds for the purchase of an applicant's membership or provides the use of a membership under an XYZ agreement (*i.e.*, a backer) may on 30 days notice require that such membership be transferred to the backer. The PSE could extend this notice time to 60 days, and a PSE committee would be authorized to review and offer recommendations on such matters. The final decision on an extension of this time period would be made by the PSE. Amendment No. 1 would also delete references in the original submission to proposed revision of XYZ Agreements, and to the revised Agreement forms in Exhibits 3(a), 3(b), 3(c) and 3(d) to that filing. The PSE states that the proposed rule change, as amended, is consistent with section 6(b)(4) of the Act in that it would provide for the reasonable allocation of dues, fees, and other charges among PSE members and that it is consistent with section 6(b)(5) of the Act in that it would promote just and equitable principles of trade.

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 data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-PSE-84-12.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-18471 Filed 7-11-84; 8:45 am]

BILLING CODE 8010-10-M

[Release No. 23360; 70-6860 and 70-6698]

AEP Generating Company; Supplemental Notice of Proposed Interest Rate Ceiling Increase

July 5, 1984.

AEP Generating Company ("AEGCo"), 1 Riverside Plaza, Columbus, Ohio 43215, a wholly owned generating subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

On July 3, 1984 a notice was issued in this proceeding (HCAR No. 23358) which, among other things, proposed that the Commission modify its June 13, 1983 (HCAR No. 22973) order to permit AEGCo to issue notes under a Term Loan Agreement bearing interest at a rate which is subject to a ceiling of 15%, rather than the authorized 14%. AEGCo now proposes that the ceiling be adjusted to 16%.

The amended application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 27, 1984, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-18469 Filed 7-11-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23358; 70-6860 and 70-6698]

AEP Generating Co.; Proposed Amendment of Revolving Credit Agreement and Owners' Agreement

July 3, 1984.

AEP Generating Company ("AEGCo"), 1 Riverside Plaza, Columbus, Ohio 43215, a wholly owned generating subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

By orders dated June 13, 1983 (HCAR No. 22973), September 19, 1983 (HCAR No. 23063), December 30, 1983 (HCAR No. 23192), and April 10, 1984 (HCAR No. 23279), the Commission has authorized AEGCo to borrow up to $300 million from one or more commercial banks at any time through December 31, 1985, pursuant to one or more long-term, fixed-rate loan agreements ("Term Loan Agreements"), and to enter into one or more interest rate swap agreements at any time through December 31, 1985, with respect to up to $300 million principal amount of unsecured notes issued or to be issued to a group of commercial banks by AEGCo pursuant to a Revolving Credit Agreement, dated as of March 31, 1982, as amended, among AEGCo and the banks. The April 10, 1984 order specifies that aggregate borrowings pursuant to the Term Loan Agreement and the Revolving Credit Agreement (with or without any related interest rate swap) may not exceed $650 million, and that AEGCo reduce the aggregate commitments of the banks under the Revolving Credit Agreement by the amount of any borrowings under the Term Loan Agreement maturing after June 30, 1989.

The June 13, 1983 order specifies, among other things, that AEGCo may issue notes under the Term Loan Agreement maturing not less than two nor more than ten years after the date thereof and that such note or notes shall bear interest at a fixed rate per annum not greater than 200 basis points above the prime rate as of the date issued, and in no event greater than 14% per annum. Similarly, the Commission has authorized AEGCo to enter into one or more interest rate swap agreements with respect to notes issued or to be issued under the Revolving Credit Agreement, subject to a ceiling of 14% per annum on the fixed rate payment that AEGCo would be obligated to make under any such agreement.

It is AEGCo's objective to "fix" up to $600 million of its external borrowing requirements through a combination of Term Loan borrowings and interest rate swap arrangements. As of May 22, 1984, AEGCo has borrowed $285 million pursuant to the Term Loan Agreement. AEGCo has relied exclusively on the Term Loan Agreement as the preferred vehicle for "fixing" its borrowing costs.

AEGCo now proposes to increase borrowings under the Term Loan Agreement to up to $600 million, subject to all terms and conditions heretofore authorized by the Commission, provided that any combination of Term Loan borrowings and the reference amount of any "interest rate swap" shall not exceed $600 million. The proposal, if granted, will enable AEGCo to continue to rely upon the Term Loan Agreement to satisfy some or all of its fixed rate borrowing needs.

In addition, AEGCo requests that the Commission modify its June 13, 1983 order to permit AEGCo to issue notes under the Term Loan Agreement bearing interest at a rate which is subject to a ceiling of 15%, rather than 14%, as currently authorized. Depending on the maturity of a Term Loan borrowing, the rate available for an unsecured loan of this sort could be up to 200 basis points above the prevailing prime rate. Assuming short term interest rates remain at or above current rates, AEGCo anticipates that a longterm fixed rate borrowing would bear interest at a rate in excess of 14%.

The amended application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 27, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After siad date, the application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-18472 Filed 7-11-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23359; 70-6807]

General Public Utilities Corp. et al.; Revolving Credit Agreement

July 5, 1984.

In the Matter of General Public Utilities Corporation, 100 Interpace Parkway, Parsippany, New Jersey 07054; Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960; Metropolitan Edison Company, 2800 Pottsville Pike, Reading, Pennsylvania 19605; Pennsylvania Electric Company, 1001 Broad Street; Johnstown, Pennsylvania 15907; proposal to amend revolving credit agreement and to increase borrowings from other banks.

General Public Utilities Corporation ("GPU"), a registered holding company, and its electric utility subsidiaries, Jersey Central Power & Light Company ("JCP&L"), Metropolitan Edison Company ("Met-Ed"), and Pennsylvania Electric Company ("Penelec"), have filed a post-effective amendment to their application-declaration with this Commission pursuant to sections 6, 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 50(a)(2) thereunder.

By orders dated September 26, 1983 (HCAR No. 23072), September 30, 1983 (HCAR No. 23079), and May 7, 1984 (HCAR No. 23299) GPU, JCP&L, Met-Ed and Penelec, (collectively, "GPU Companies") entered into amendments to their revolving credit agreement ("Credit Agreement") previously authorized by order dated September 28, 1981 (HCAR No. 22207).

The Credit Agreement provides for the GPU Companies to issue, sell and renew to certain banks ("Banks"), from time to time through March 31, 1985, their respective promissory notes ("Notes"), maturing not more than four months from the date of issue. Up to $125 million at any one time outstanding may be borrowed under the Credit Agreement with sublimits for GPU, JCP&L, Met-Ed, and Penelec of $5, $50, $25, and $50 million, respectively. During the period May 1 through September 30, 1984, JCP&L's sublimit is $90 million. The GPU Companies were also authorized to issue and renew, to various other banks,

unsecured promissory notes through March 31, 1985 ("External Lines"). The total principal amount of such unsecured borrowings outstanding at any one time may not exceed $25 million with individual sublimits of $5 million for GPU and $15 million each for JCP&L, Met-Ed, and Penelec. As of June 11, 1984, outstanding borrowings were (1) $30 million by JCP&L and $6 million by Penelec under the Credit Agreement and (2) $2 million by Penelec under the unsecured External Lines.

JCP&L believes that primarily as a result of higher than anticipated fuel and purchased power costs, its needs for short-term financing during 1984 will exceed the authorized levels. Consequently, the GPU Companies propose to enter into an amendment to the Credit Agreement ("Amendment") increasing JCP&L's Loan Limit thereunder to $125 million and increasing the aggregate amount of borrowings outstanding at any one time under the Credit Agreement by all the GPU Companies to $150 million. The Amendment also provides that, at the time of borrowings made pursuant to the Amendment, each Borrower (except for Penelec) submit a forecast reflecting full repayment of such borrowings from internally generated funds on or before 365 days from the date of such borrowing.

In addition the GPU companies propose to increase the aggregate amount of borrowings outstanding at any one time under the External Lines to $60 million with individual sublimits of $10, $35, $25, and $50 million for GPU, JCP&L, Met-Ed, and Penelec respectively.

The amended application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment on request a hearing should submit their views in writing by July 30, 1984 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues or fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the amended application-declaration, as filed or as it may be amended further, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-18470 Filed 7-11-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14025; File No. 812-5714]

Sentry Life Insurance Co. of New York et al.; Application

July 5, 1984.

In the Matter of Sentry Life Insurance Company of New York and Sentry Variable Account I, the Atrium, Two Clinton Square, Syracuse, New York 13202, and Sentry Equity Services, Inc., 1800 North Point Drive, Stevens Point, Wisconsin 54481; Filing of an Application for an Order Pursuant to Section 6(c) of the act granting exemptions from sections 26(a) and 27(c)(2) of the Act.

Notice is hereby given that Sentry Life Insurance Company of New York (the "Company"), a stock life insurance company organized under the laws of New York, Sentry Variable Account I (the "Variable Account"), a separate account of the Company registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, and Sentry Equity Services, Inc., the principal underwriter for the Variable Account (together referred to as "Applicants"), filed an application on December 1, 1983 and amendments thereto on April 19, 1984 and June 13, 1984 for an order of the Commission pursuant to section 6(c) of the Act exempting Applicants from sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit Applicants to offer certain variable annuity contracts. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

Applicants propose that they be granted exemptions from sections 26(a) and 27(c)(2) to allow: (1) The deduction of a Mortality and Expense Risk Premium of 1.20% of the average daily net asset value of the Variable Account (.80% for Mortality risks and .40% for expense risks); (2) the deduction of a Contract Maintenance Charge of $30 per contract (with such a charge not guaranteed prior to the income date but, in any case, not to exceed $45 per year); (3) the assets of the Variable Account to be held in open account in lieu of actual share certificates by the Custodian under an agreement that does not create a trust; (4) the deduction for premium taxes; and (5) the deduction for any income taxes.

With respect to (1) above, Applicants represent that they have reviewed the prospectuses, contracts and registration statements of other separate accounts offering variable annuity contracts with comparable provisions and guarantees, and, based on that review, Applicants assert that the mortality and expense risk premium is reasonable in relation to the risks assumed under the Contracts as determined by industry proactice and is consistent with the protection of investors as it is designed to be competitive while not exposing the Company to undue risk of loss. Applicants further represent that they will maintain and preserve, at their offices, the listing of the variable annuity contracts reviewed by them and the description of the basis upon which Applicants determined those contracts to be comparable, and make this document available to the Commission. Applicants also represent that the proposed distribution financing arrangment for the contracts has a reasonable likelihood of benefitting the Variable Account and the contract owners and that the Company will maintain at its home office and make available to the Commission a memorandum setting forth the basis for this representation. Applicants finally represent that the Variable Account will invest only in funds which undertake to have a board with a disinterested majorty formulate and approve any plan under Rule 12b-1 to finance distribution expenses.

With respect to the Contract Maintenance Charge, Applicants represent that the level of such Charge is equal to the actual cost of the services provided and that they do not expect to profit therefrom. With respect to (3) above, Applicants contend that the safekeeping of the assets of the Variable Account does not depend upon a certificate being issued to the Variable Account and would, in fact, result in unnecessary administrative expenses.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 26, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for such request, and the specific issues, if any, of fact or law that are disputed. Such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by

affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon itws own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-18465 Filed 7-11-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14026; File No. 812-5715]

Sentry Investory Life Insurance Co. et al.; Application

July 5, 1984.

In the Matter of Sentry Investors Life Insurance Co., and Sentry Investors Variable Account II, 34 Monument Square, Concord, Massachusetts 01742, and Sentry Equity Services, Inc., 1800 North Point Drive, Stevens Point, Wisconsin 54481; Filing of an Application for an Order Pursuant to Section 6(c) of the act granting exemptions from sections 26(a) and 27(c)(2) of the act.

Notice is hereby given that Sentry Investors Life Insurance Company (the "Company") (formerly Patriot General Life Insurance Company), a stock life insurance company organized under the laws of Massachusetts, Sentry Investors Variable Account II (the "Variable Account") (formerly Patriot General Variable Account II), a separate account of the Company registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, and Sentry Equity Services, Inc., the principal underwriter for the Variable Account (together referred to as "Applicants"), filed an application on December 1, 1983 and amendments thereto on May 24, 1984 and June 13, 1984 for an order of the Commission pursuant to Section 6(c) of the Act exempting Applicants from sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit Applicants to offer certain variable annuity contracts. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

Applicants propose that they be granted exemptions from Sections 26(a) and 27(c)(2) to allow: (1) The deduction of a Mortality and Expense Risk Premium of 1.20% of the average daily net asset value of the Variable Account (.80% for mortality risks and .40% for expense risks); (2) the deduction of a Contract Maintenance Charge of $30 per contract (with such a charge not guaranteed prior to the income date); (3) the assets of the Variable Account to be held in open account in lieu of actual share certificates by the Custodian under an agreement that does not create a trust; (4) the deduction for premium taxes; and (5) the deduction for any income taxes.

With respect to (1) above, Applicants represent that they have reviewed the prospectuses, contracts and registration statements of other separate accounts offering variable annuity contracts with comparable provisions and guarantees, and, based on that review, Applicants assert that the mortality and expense risk premium is reasonable in relation to the risks assumed under the Contracts as determined by industry practice and is consistent with the protection of investors as it is designed to be competitive while not exposing the Company to undue risk of loss. Applicants further represent that they will maintain and preserve, at their offices, the listing of the variable annuity contracts reviewed by them and the description of the basis upon which Applicants determined those contracts to be comparable, and make this document available to the Commission. Applicants also represent that the proposed distribution financing arrangement for the contracts has a reasonable likelihood of benefitting the Variable Account and the contractowners and that the Company will maintain at its home office and make available to the Commission a memorandum setting forth the basis for this representation. Applicants finally represent that the Variable Account will invest only in funds which undertake to have a board with a disinterested majority formulate and approve any plan under Rule 12b-1 to finance distribution expenses.

With respect to the Contract Maintenance Charge, Applicants represent that the level of such Charge is equal to the actual cost of the services provided and that they do not except to profit therefrom. With respect to (3) above, Applicants contend that the safekeeping of the assets of the Variable Account does not depend upon a certificate being issued to the Variable Account and would, in fact, result in unnecessary administrative expenses.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 26, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for such request, and the specific issues, if any, of fact or law that are disputed. Such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-18466 Filed 7-11-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14027; File No. 812-5716]

Sentry Life Insurance Co. et al.; Application

July 5, 1984.

In the matter of Sentry Life Insurance Co. and Sentry Variable Account II, 1800 North Point Drive, Stevens Point, Wisconsin 54481, and Sentry Equity Services, Inc., 1800 North Point Drive, Stevens Point, Wisconsin 54481, Notice of filing of an application for an order pursuant to section 6(c) of the act granting exemptions from sections 26(a) and 27(c)(2) of the act.

Notice is hereby given that Sentry Life Insurance Company (the "Company"), a stock life insurance company organized under the laws of Wisconsin, Sentry Variable Account II (the "Variable Account"), a separate account of the Company registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, and Sentry Equity Services, Inc., the principal underwriter for the Variable Account (together referred to as "Applicants"), filed an application on December 1, 1983 and amendments thereto on April 18, 1984 and June 13, 1984 for an order of the Commission pursuant to section 6(c) of the Act exempting Applicants from Sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit Applicants to offer certain variable annuity contracts. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

Applicants propose that they be granted exemptions from Sections 26(a) and 27(c)(2) to allow: (1) The deduction

of a Mortality and Expense Risk Premium of 1.20% of the average daily net asset value of the Variable Account (.80% for mortality risks and .40% for expense risks); (2) the deduction of a Contract Maintenance Charge of $30 per contract (with such a charge not guaranteed prior to the income date); (3) the assets of the Variable Account to be held in open account in lieu of actual share certificates by the Custodian under an agreement that does not create a trust; (4) the deduction for premium taxes; and (5) the deduction for any income taxes.

With respect to (1) above, Applicants represent that they have reviewed the prospectuses, contracts and registration statements of other separate accounts offering variable annuity contracts with comparable provisions and guarantees, and, based on that review, Applicants assert that the mortality and expense risk premium is reasonable in relation to the risks assumed under the Contracts as determined by industry practice and is consistent with the protection of investors as it is designed to be competitive while not exposing the Company to undue risk of loss. Applicants further represent that they will maintain and preserve, at their offices, the listing of the variable annuity contracts reviewed by them and the description of the basis upon which Applicants determined those contracts to be comparable, and make this document available to the Commission. Applicants also represent that the proposed distribution financing arrangement for the contracts has a reasonable likelihood of benefitting the Variable Account and the contract owners and that the Company will maintain at its home office and make available to the Commission a memorandum setting forth the basis for this representation. Applicants finally represent that the Variable Account will invest only in funds which undertake to have a board with a disinterested majority formulate and approve any plan under Rule 12b–1 to finance distribution expenses.

With respect to the Contract Maintenance Charge, Applicants represent that the level of such Charge is equal to the actual cost of the services provided and that they do not expect to profit therefrom. With respect to (3) above, Applicants contend that the safekeeping of the assets of the Variable Account does not depend upon a certificate being issued to the Variable Account and would, in fact, result in unnecessary administrative expenses.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 26, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for such request, and the specific issues, if any, of fact or law that are disputed. Such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the cast of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–18468 Filed 7–11–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 23361; 70–6982]

The Southern Co.; Proposed Acquisition of Common Stock in Integrated Communications Systems, Inc., and Creation of New Non-Utility Subsidiary

July 6, 1984.

The Southern Company ("Southern"), 64 Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, has filed an application and amendment thereto with this Commission pursuant to Sections 2(a)(8), 3(d), 6, 9, and 10 of the Public Utility Holding Company Act of 1935 ("Act").

Southern proposes to acquire, either directly or through a subsidiary, an interest in Integrated Communication Systems, Inc. ("ICS"). ICS is a new corporation being organized by a group of companies to perfect a system ("System") for two way communications over local telephone lines. The research originated in 1981 with a consulting firm engaged by Georgia Power Company ("Georgia"), a subsidiary of Southern, to study the feasibility of more effective energy management techniques. As the study progressed, additional funding and expertise were sought by the consulting firm and provided by other entities, including potential users of the communications system and potential suppliers of equipment, including telephone companies.

The sponsors have concluded that the project is technically feasible and that a research, development and planning company is required to complete the system. The participants will be entitled to share in the equity of ICS in proportion to their financial support of the project, with certain credits against the purchase price based upon the amount and timing of such support. Georgia is entitled to purchase approximately 18% of the common equity of ICS, although in the event of the failure by other participants to exercise in full certain preemptive rights, and pending the issuance of stock reserved for ICS employees, the percentage ownership represented by the proposed purchase may be as much as 45%. Southern currently expects that it will ultimately own approximately 28% of the common stock of ICS and proposes to purchase up to approximately 75,000 shares of outstanding common stock of ICS for an aggregate purchase price of up to $1,650,000 (including funds previously advanced by Georgia).

As of March 31, 1984, Georgia's share of such costs aggregated approximately $245,000, which amount has been reimbursed to Georgia by Southern. Southern is now paying Georgia's share of the additional costs.

ICS is currently developing a system, including computer software and hardware, for two-way communications over local telephone lines to provide a wide range of energy-related services in the residential and small commercial markets. Such services include: (a) An energy optimization program, permitting the consumer to optimize the operation of major energy-using appliances; (b) load management; (c) remote meter reading; (d) rate design; and (e) remote connection or disconnection of service. While Southern expects that such utility applications will predominte, other non-associated vendors could offer certain other services through the System, including: (a) home security; (b) entertainment (*e.g.*, pay-per-view cable television and electronic games); (c) information (*e.g.*, financial and commercial data bases, education or home study programs, and electronic mail); and (d) transactions (*e.g.*, electronic banking, home shopping and automatic billing). These additional services would create scale economies.

It is expected that ICS will enter into an agreement with Southern and the other funders of the computer software, granting ICS exclusive rights to use the computer software in the System for other purposes. ICS would agree to pay Southern and other funders royalties in a manner and amount to be negotiated. The funders of the computer software,

including Southern, will retain rights to the use thereof, without any payment to ICS, in applications which are not competitive with the System.

ICS expects to realize revenue from licensing the System to local operating companies (which will include subsidiaries of Southern only to the extent authorized by the Commission pursuant to separate application or applications under the Act) and providing consulting and support services to such companies. ICS does not intend to manufacture or own any of the components of the communications system; however, it may receive royalties from those who do manufacture and sell components based upon designs and information provided by ICS. ICS currently does not intend to acquire an interest in any of such local operating companies.

Southern also proposes to organize and to acquire the common stock of a new, non-utility subsidiary. Southern proposes to make an initial investment of up to $1,000,000 for purchases of the subsidiary's common stock or for capital contributions to the subsidiary, or a combination thereof, from time to time through March 31, 1985. Southern believes that such sum will be sufficient to finance the initial operations of the subsidiary. Southern considers that the organization of a new subsidiary to undertake new business ventures would provide several advantages, including: (a) contractual convenience and insulation of other Southern subsidiaries from legal liability; (b) more effective management of its business operations; and (c) the maintenance of a separate accounting system. It may also own the stock of ICS, with a corresponding increase in its capitalization.

The initial operations of the subsidiary will be confined to the preliminary study, investigation, research and development of new business or investment opportunities and the direction, coordination and conduct of such activities. The kinds of such opportunities may include, among other projects, facilities for co-generation, waste disposal, communications or load management; mineral exploration; or the development of fuel cells, synthetic fuels or solar energy. It is intended that all profits or losses from the subsidiary's eventual operations, if any, would accrue entirely to Southern. Upon completion of the preliminary phase of operations, any transaction leading to the development or financing of a new business venture will be subject to further review and authorization by the Commission.

It is anticipated that during initial operations the new subsidiary will have a limited managerial and administrative staff and will utilize physical facilities of other companies in the Southern System. In the event the new subsidiary utilizes personnel, facilities or services from other System companies, and in the event System companies expend resources to assist or participate in the new subsidiary's research and investigative operations, the company so providing personnel, facilities, services or resources will be reimbursed by the new subsidiary in accordance with Rules 90 and 91 under the Act. All System companies providing services will utilize cost accounting procedures designed to identify all direct and indirect costs, including overhead.

Southern Company Services, Inc. will perform all necessary financial, accounting and internal auditing functions for the new subsidiary. It will account for, allocate and charge its cost or providing these services utilizing a work order system in accordance with the Uniform System of Accounts for Mutual and Subsidiary Service Companies and Rules 90 and 91 under the Act.

With respect to certain types of property protected by the copyright, patent or trademark laws, or as a trade secret ("intellectual property"), if the new subsidiary sells or license to non-affiliates any such intellectual property developed by any other System company, and as a result such intellectual property is no longer available for use by such System company, such company shall receive 70% of net profits (after deducting marketing and other applicable expenses incurred by the new subsidiary) and the new subsidiary will receive a commission of 30% of net profits, this splitting of profits being identical to the arrangement approved by the Commission in *The Southern Company*, HCAR No. 22315 (December 14, 1981). If the intellectual property developed by another System company is made available for disposition or licensing to non-affailiates, but the use thereof is retained by the System company, the new subsidiary will reimburse such company for actual expenses incurred. Intellectual property, if developed by the new subsidiary, will be made available to the other System companies without charge, except for actual expenses incurred. Such intellectual property exchanges will be subject to any contractual commitments to and legal rights of others, as well as applicable statutes and regulations.

Southern requests an order, under section 2(a)(8)(b), that ICS will not by a subsidiary company of the Southern of the Act. Alternatively, Southern requests that the Commission, by rule and regulation under Section 3(d) of the Act, exempt a class of persons including ICS as subsidiary companies or affiliates under the provisions of the Act. Pending such order, rule or regulation, Southern requests an order pursuant to Section 6(b) of the Act exempting the issuance and sale by ICS of its common stock from the provisions of Section 6(a), as such issuance and sale are solely for the purpose of financing the business of ICS and ICS is not a holding company, a public utility company, an investment company, or a fiscal or financing agency of a holding company, a public utility company, or an investment company.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their veiws in writing by July 30, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will received a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-18463 Filed 7-11-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14024; 812-5323]

Sun Life Assurance Company of Canada (U.S.), et al.; Filing of Application

July 2, 1984.

Notice is hereby given that Sun Life Assurance Company of Canada (U.S.) ("Sun"), One Sun Life Executive Park, Wellesley Hills, Massachusetts, a Delaware stock life insurance company; Government Guaranteed Variable Account ("CGVA"), registered under the Act as an open-end diversified management investment company and established by Sun in connection with the proposed issuance of certain variable annuity contracts ("contracts");

and Clarendon Insurance Agency, Inc. (the principal underwriter for the contracts) (collectively, "Applicants") filed an application on May 8, 1984, with an amendment thereto filed on June 22, 1984 for an order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") granting exemptions from the provisions of sections 12(b) and 27(c)(2) of the Act and rule 12b–1 to the extent necessary to permit transactions described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein in support of the requested relief pursuant to section 6(c), which are summarized below, and are referred to the Act and rules thereunder for a statement of the relevant provisions.

Applicants request exemption from section 27(c)(2) to the extent necessary to permit a bank custodian to hold assets of CGVA under a Safekeeping Agreement meeting the requirements of section 17(f) of the Act without appointment of a trustee and on an open account basis without using stock certificates. They also request exemption to the extent necessary to impose the following charges: (1) a guaranteed annual administrative charge of $25.00; (2) premium taxes, at rates imposed by the states; and (3) a daily mortality and expense risk charge equal on an annual basis to 1.3% of net assets (.80% for mortality risks and .50% for administrative expense risks). Applicants represent that charges (1) and (3) are not calculated to include a profit element. They further represent regarding the asset risk charge that it does not include any charge for the assumption of distribution expense risks and that it is reasonable in amount as determined by industry practice with respect to comparable annuity products. Sun states that this latter representation is based upon its analysis of publicly-available information about similar industry products and that it will maintain at its executive office, available to the Commission, a memorandum setting forth the basis for this representation.

Finally Applicants represent that, although not expected, the deferred sales charge might be insufficient to cover the distribution expenses and that any such shortfall would be made up through use of general account funds which might be attributable, in part to a profit, although none is expected, from the asset charge. Therefore, Applicants request exemption from section 12(b) and rule 12b–1 insofar as this proposed arrangement to finance the distribution of the contracts might be deemed to involve the direct or indirect use of account assets for distribution. Sun represents that it has determined that this proposed arrangement will be likely to benefit CGVA and the contract-holders and that a memorandum which sets forth the basis for this conclusion will be maintained at its executive office and available to the Commission. Applicants further represent that CGVA will have a board with a disinterested majority formulate and approve any plan under rule 12b–1 to finance distribution expenses.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 24, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–18464 Filed 7–11–84; 8:45 am]

BILLING CODE 8010–01–M

Privacy Act of 1974; Proposed Modification of System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notification of proposed alteration of an existing system of records.

SUMMARY: The Securities and Exchange Commission proposes to modify an existing system of records, which was previously identified in the Federal Register, 41 FR 41550, on September 22, 1976, as SEC–42, Name-Relationship Index System [NRS], and was amended on May 14, 1978 (43 FR 21771) and on September 2, 1981 (46 FR 41112).

EFFECTIVE DATE: This amendment will become effective August 30, 1984, unless comments are received by that date which would result in a different determination .

ADDRESS: Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's public reference section, Room 1024, 450 5th Street NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Colette D. Kimbrough, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2422.

SUPPLEMENTARY INFORMATION: The NRS is a computerized system of records that contains information concerning persons who are listed in certain reports and applications filed with the Commission, persons who are involved in investigations or enforcement actions, and persons who make inquiries of, or complain to, the Commission. The system relates the name of the individual to the pertinent filing, investigation, enforcement action or Commission file. The proposed modification of the system of records would alter the permitted routine use to allow disclosure of records contained in this system to futures associations registered under the Commodity Exchange Act ("CEA").[1]

The purpose of this proposed change is to allow direct access to certain records contained in the NRS to the National Futures Association ("NFA"), a registered futures association, in connection with registration functions it performs under the CEA.[2] Currently, the NFA is receiving information contained in the NRS through the Commodity Futures Trading Commission ("CFTC"), consistent with the CFTC's regulations adopted under the Privacy Act. This process is both cumbersome and inefficient. Direct access to the NRS

[1] Section 17 of the CEA, 5 U.S.C. 21. While the National Futures Association is the only futures association currently registered, the proposed change in routine use will cover any registered futures association.

[2] On April 7, 1983, the CFTC, pursuant to section 8(a)(10) of the CEA, 7 U.S.C. 12(a)(10), issued an order delegating certain of its registration functions with respect to certain commodity brokers to the NFA. *See* 48 FR 15940 (April 13, 1983), and 48 FR 35158 (August 3, 1983). While the NFA's authority to receive and process registration applications is presently limited to granting the applications of introducing brokers and associated persons of introducing brokers, the CFTC expects, in the near future, to delegate to the NFA portions of its registration function with respect to all commodity brokers and associated persons or brokers. The proposed changes in routine uses of records in the NRS are broad enough to accommodate the NFA's needs under the full-scale registration program.

records should speed the registration process.

The availability of certain records to the CFTC and the NFA concerning applicants for registration as commodity brokers under the CEA aids in determining whether an applicant should be granted registration. Specifically, access to information contained in the NRS concerning enforcement cases in which a sanction was imposed allows the NFA and the CFTC to ascertain whether an applicant is subject to a statutory disqualification pursuant to section 8a(B) of the CEA, 5 U.S.C. 12a(B). Similarly, among other things, the Securities and Exchange Commission uses information contained in the NRS to determine if applicants for registration as broker-dealers and associated persons of broker-dealers are subject to statutory disqualification under the Securities Exchange Act of 1934. *See* sections 3(a)(39) and 15(b)(4) of the Act, 15 U.S.C. 78c(a)(39), 78*o*(b)(4). Accordingly, making certain NRS records[3] directly available to the NFA on a routine basis will facilitate the registration process and is comparable and compatible with the purpose for which data in the NRS is collected. *See* 5 U.S.C. 552a(a)(7).

A report of the proposal to alter this sytem of records was filed pursuant to 5 U.S.C. 552a(o), with Congress and the Office of Management and Budget on July 5, 1984.

Description of system and proposed amendments:

A notice describing The Name-Relationship Index System is set forth below. To amended portions of the notice are italicized.

SEC–42

SYSTEM NAME:

Name-Relationship Index System (NRS).

SYSTEM LOCATION:

Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on principals and other individuals listed in filings by corporate issuers of securities; principals and other individuals listed in applications for registration and amendments thereto filed by broker-dealers, investment advisers, transfer agents (non-bank), municipal securities dealers (which are banks or separately identifiable departments or divisions of banks), clearing agencies (non-bank), and securities information processors; individuals who are required to file ownership reports as corporate insiders; individuals who are the subject of matters under inquiry; individuals, including defendants, respondents and witnesses named in investigations and enforcement actions relating to securities violations; and individuals listed in filings by self-regulatory organizations regarding the entry or re-entry of statutorily disqualified persons into the securities business. Records are also maintained on persons who make general inquiries of the Commission or who complain of matters under the Commission's jurisdiction.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records are computerized and contain index information that relates the names of the individual to the docketed name of the formal filings or the case name when an enforcement or litigation proceeding is involved. The records include the SEC file numbers, date, information on the relationship, the social security number of the individual (if available), disposition of cases (if available), and violations alleged (if any). Records also contain the name of the person making an inquiry or complaint and indicates the subject file where the communication has been filed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 15, United States Code, Sections 77e, 77f, 77g, 77j and 77o; 78l, 78m, 78o–1, 78p, 78q–1, and 78u; 79f, 79g, 79r, and 79s; 77eee, 77mmm, 77nnn, 77ttt, and 77uuu; 80a–8, 80a–20, 80a–29, 80a–32; 80a–40; 80a–44, and 80a–45; 80b–3, 80b–4, 80b–12, and 80b–16. Inquiries are voluntary.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used as follows:

1. By authorized SEC personnel in connection with their official functions including, but not limited to, the processing of documents filed with the Commission, the conduct of investigations into possible violations of the Federal securities laws, and other matters relating to the Commission's regulatory and law enforcement functions.

2. To conduct name searches upon request of authorized individuals in other governmental agencies (Federal, State, local and foreign) or securities self-regulatory organizations or *futures associations registered under the Commodity Exchange Act,* for purposes of carrying out their designated functions.

3. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization or a *futures association, registered under the Commodity Exchange Act,* involving one or more of its members.

5. To aid in responding to inquiries from Members of Congress, the press and the public concerning matters that are within the Commission's jurisdiction.

Additional routine use may include any of the uses listed in 41 FR 41550, September 22, 1976.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk and tape.

RETRIEVABILITY:

Information is retrieved by the name of the individual. Access for inquiry purposes is either by special request forms that are keypunched and processed by computer or by direct means via a computer terminal.

SAFEGUARDS:

The special request forms must be authorized by the division or office head or by a member of the staff pursuant to delegated authority. Direct data access via computer terminals is restricted to certain authorized personnel.

RETENTION AND DISPOSAL:

A record of search transactions, either through the forms or via the computer terminals, is maintained on magnetic storage media. Computer tape and disk files, on which the data is stored, are available only through the librarian or chief of operations of the Office of Information Systems Management. Backup master files on tape are stored at a secured auxiliary SEC storage facility. Records are maintained indefinitely at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Information Systems Management, Securities and

[3] Only public information dealing with closed investigations contained in the NRS will be released to the NFA. This avoids any potential disruption to the Securities and Exchange Commission's ongoing investigations and also avoids potential prejudice to applicants for registration that could result from unproved charges.

Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person at the SEC Public Reference Branch at 450 Fifth Street, N.W., Washington, D.C. or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

RECORD ACCESS PROCEDURES:

See Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in this system or records should direct their request to the Privacy Act Officer, Securities and Exchange Commission, 450 Fifth Street, N.W. Washington, D.C. 20549.

RECORD SOURCE CATEGORIES:

The sources include filings made by issuers, broker-dealers, investment advisers, insiders, self-regulatory organizaitons, and others; documents relating to matters under inquiry and enforcement actions. The enforcement documents are comprised of SEC opinions and orders, recommendations from SEC enforcement officials for institution of docketed investigations, court pleadings, and findings and orders issued by State and Federal courts, State securities boards, national securities exchanges and self-regulatory organizations, and individuals, including the individual to whom the information relates. Information may also be received from other State, local or foreign law enforcement or regulatory organizations.

Dated: July 5, 1984.

By the Commission.

George A Fitzsimmons,

Secretary.

[FR Doc. 84-18474 Filed 7-11-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirement Under OMB Review

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirement to OMB for review and approval, and to publish notice in the **Federal Register** that the agency has made such a submission.

DATE: Comments must be received on or before August 13, 1984. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible.

COPIES: Copies of the proposed questionnaires, the requests for clearance (S.F. 83), supporting statement, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538.

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814.

Information Collection Submitted for Review:

Title: Sources of Informal Risk Capital for Veteran-owned Enterprises Study
Frequency: One time, Nonrecurring
Description of Respondents: Individuals who have an interest in risk capital investments
Annual Responses: 4,580
Annual Burden Hours: 2,063

Dated: February 6, 1984.

Richard Vizachero,

Acting Chief, Information Resources Management Branch, Small Business Administration.

[FR Doc. 84-18413 Filed 7-11-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2157]

Declaration of Disaster Loan Area; Massachusetts

Hampden and Hampshire Counties and the adjacent Counties of Berkshire, Franklin, and Worcester in the State of Massachusetts constitute a disaster area because of damage caused by rains and flooding which occurred on May 28, 1984, through June 2, 1984. Applications for loans for physical damage may be filed until the close of business on September 6, 1984, and for economic injury until the close of business on April 8, 1985, at the address listed below:

Disaster Area 1 Office, Small Business Administration, 15-01 Broadway, Fair Lawn, N.J. 07410, or other locally announced locations

Interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 215706 for physical damage and for economic injury the number is 619300.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: July 6, 1984.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 84-18414 Filed 7-11-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2158]

Declaration of Disaster Loan Area; Nebraska

As a result of the President's major disaster declaration on July 3, 1984, I find that the Counties of Cass, Gage, Saline, Sarpy, Saunders, and the adjacent Counties, of Colfax, Dodge, Fillmore, and Jefferson in the State of Nebraska constitute a disaster loan area because of damage from tornadoes, severe storms, and flooding beginning on or about June 11, 1984. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on September 4, 1984, and for economic injury until April 3, 1985, at: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Grand Prairie, Texas 75051, or other locally announced locations.

Interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 215806 for physical damage and for economic injury the number is 619400.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: July 6, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-18415 Filed 7-11-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[OGD 84-053]

National Boating Safety Advisory Council; Request for Applications

AGENCY: Coast Guard, Transportation.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applications for appiontment to membership on the National Boating Safety Advisory Council (NBSAC). This Council advises the Secretary of Transportation on rulemaking matters related to recreational boating.

Seven members will be appointed as folllows: Two (2) members from the recreational boating industry; two (2) members from the State Boating Administrators; and three (3) members from boating organizations and the public.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women. The Council normally meets twice each year, once in the Washington, D.C. area, and once at another location selected by the Coast Guard.

DATE: Requests for applications should be received no later than August 10, 1984.

ADDRESS: Persons interested in applying should write to Commandant (G-BBS/43), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Captain R. F. Ingraham, Executive Director, National Boating Safety Advisory Council (G-BBS) Room 4308, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593; (202) 426-1060.

Dated: July 5, 1984.

L. C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 84-18447 Filed 7-11-84; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Environmental Procedures

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) has revised its internal procedures for processing environmental impact. FAA Order 1050.1C, Policies and Procedures for Considering Environmental Impacts has been revised to implement DOT Order 5610.1C, Change 1 which allow the FAA to approve final environmental impact statements without prior concurrence by the Assistance Secretary for Policy and International Affairs. Also, the A-95 review was deleted and the revision reflects DOT regulations implementing E.O. 12372, Intergovernmental Review of Federal Programs.

FOR FURTHER INFORMATION CONTACT: Richard Tedrick, Manager, Noise Policy and Regulatory Branch, Federal Aviation Administration, Noise Abatement Division, 202-755-9027.

EFFECTIVE DATE: The effective date of the revision is December 21, 1983.

ADDRESS: Copies of FAA Order 1050.1D may be requested from: Noise Abatement Divison, AEE-110, Room 432, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

SUPPLEMENTARY INFORMATION: Order 1050.1D has been issued to incorporate Change 1 to DOT 5610.1C dated 7/13/82. This revision gives FAA the authority to approve final EISs without prior concurrence by the Office of the Secretary; however, for highly controversial final EISs, the Assistant Secretary for Policy and International Affairs and the General Counsel will be provided a copy of the summary section contained in a proposed final EIS, and will be given at least two weeks notice before approval of a final EIS. In addition, the revision permits FAA to consult directly with Council on Environmental Quality on project-related matters, rather than requiring that such consultation occur via the Office of the Assistant Secretary.

Two attachments were added to Order 1050.1D. One is a flow chart to provide an overview of environmental actions. The other provides guidance on content of environmental assessments and procedures for environmental analysis.

Issued in Washington, D.C., on July 6, 1984.

John E. Wesler,

Director of Environment and Energy.

[FR Doc. 84-18436 Filed 7-11-84; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 149—Airborne Distance Measuring Equipment (DME); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 149 on Airborne Distance Measuring Equipment (DME) to be held on August 8-10, 1984 in the RTCA Conference Room, One McPherson, Square, 1425 K Street NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Seventh Meeting Held on April 11-13, 1984; (3) Report on Coordination with the European Organization for Civil Aviation Electronics (EUROCAE) Working Group 25; (4) Report on Coordination with RTCA Special Committee 151 on Airborne MLS Area Navigation Equipment; (5) Review Task Assignments From Previous Meeting; (6) Review Eighth Draft of Committee Report on Minimum Operational Performance Standards for Airborne Distance Measuring Equipment; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on July 5, 1984.

Karl F. Bierach,

Designated Officer.

[FR Doc. 84-18437 Filed 7-11-84; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 153—Airborne VOR Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is

hereby given of a meeting of RTCA Special Committee 153 on Airborne VOR Equipment to be held on August 6–7, 1984, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Third Meeting Held on April 9–10, 1984; (3) Review of Revised Committee Terms of Reference; (4) Consideration of Proposed Changes to the Fourth Draft of the Committee Report on Minimum Operational Performance Standards for Airborne VOR Equipment; (5) Develop the Approach and Assign Tasks for Revising the Minimum Performance Standards for Airborne Instrument Landing Equipment; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washingon, D.C. 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on July 5, 1984.

Karl F. Bierach,

Designated Officer.

[FR Doc. 84–18439 Filed 7–11–84; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement, Pacific County, WA

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 (EIS) will be prepared for the proposed replacement of the Palix River Bridge on U.S. Route 101 in Pacific County, Washington.

FOR FURTHER INFORMATION CONTACT: Paul C. Gregson, Division Administrator, Federal Highway Administration, Suite 501, Evergreen Plaza, 711 South Capital Way, Olympia, Washington 98501, Telephone (206) 753–9413. Clyde L. Slemmer, P.E., Project Development Engineer, Washington State Department of Transportation, Transportation Building, Olympia, Washington 98504, Telephone (202) 753–6135.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation, will prepare an EIS on a proposal to replace the Palix River Bridge, located approximately 12 miles south of the city of South Bend on U.S. Route 101. The existing bridge was built in 1935. Its main structural components are now in an advanced state of deterioration. The bridge will need to be either substantially reconstructed or replaced. The proposed project would replace the bridge and also correct the following deficiencies:

1. An existing bridge width of only 24 feet, which is below minimum standards for this class of highway.
2. A dangerously sharp curve north of the bridge which has contributed to a number of accidents at this location.
3. A vertical curve on the bridge, which restricts sight distance.
4. Sub-standard county road intersections at both ends of the bridge.

Alternatives under consideration include:

1. No action.
2. Repair existing. This alternative proposes repairing the existing bridge to delay closure.
3. Replace existing. Replace the bridge only (offset 40' to the east). Deficiencies 2 and 4 above would not be corrected.
4. Upgrade section. Replace the existing bridge on one of five alternate alignments designed to upgrade this entire highway segment (approximately 5,000 feet) to meet or exceed minimum current standards for design speed, highway capacity and safety. Two of the five alignments are east of the existing alignment and three are to the west.

On January 11 and May 15, 1984, scoping meetings were held. Federal, state and local regulatory agency representatives offered comments and suggestions for mitigating identified impacts associated with this proposal after being briefed on the overall scope and design alternatives. An informal public meeting was held on May 15, 1984, during which private organizations and citizens were given the opportunity to express their opinions and concerns regarding this proposal. A formal public hearing will be held during the public review period for the draft EIS. Public notice will be given as to the time and place of the public hearing tentatively scheduled for late November 1984. The draft EIS will be available for public and agency review and comment.

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 the FHWA at the address provided above.

(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: July 2, 1984.

Donald L. Levien,

Area Engineer, Washington Division, Olympia, Washington.

[FR Doc. 84–18375 Filed 7–11–84; 8:45 am]

BILLING CODE 4910–22–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 135
Thursday, July 12, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

[M-407, 7/5/84]

TIME AND DATE: 10:00 a.m., July 12, 1984.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket 41686, EDR-466C, Notice of Proposed Rulemaking on Computer Reservations Systems. (OGC)
3. Docket 42007, Petition of the Air Transport Association of America to repeal the recordkeeping requirement in the Board's rule on free and reduced-rate air transportation. (Memo 2402, OGC, BIA, BDA)
4. Docket 41791, Air Traffic Conference agreements relating to Resolution 90.3, the travel agency program. (Memo 2405, BDA, OGC)
5. Docket 42118, Air Traffic Conference Agreements relating to Resolution 5.65, the standard passenger interline agreement. (Memo 2413, BDA, OGC)
6. Docket 41835, Application of Cook Inlet Aviation, Inc. under Subpart Q for a certificate authorizing scheduled interstate and overseas air transportation of persons, property and mail. (Memo 2404, BDA)
7. Communter carrier fitness determination of Las Vegas Airlines, Inc. (Memo 2085-A, BDA)
8. Dockets EAS-518 and, Essential air service determination for Silver City/Hurley/Deming, New Mexico. (Memo 852-C, BDA, OCCCA)
9. Dockets 41589, EAS-556 and EAS-560, Bumping application for North Bend/Coos Bay and Salem, Oregon, and Essential air service for North Bend/Coos Bay and Salem, Oregon. (Memo 2193-B, BDA, OCCCA)
10. Dockets 39422, 39423 and 39424, Essential air service at Roswell, Carlsbad and Hobbs, New Mexico. (Memo 546-D, BDA, OCCCA, BCAA, OGC, OC)
11. Dockets 38486 and 39820, Applications for compensation for losses in providing essential air service at Elkins, West Virginia and Parkersburg, West Virginia. (Memo 701-D, BDA, OCCCA, OC, BCAA)
12. Docket 38623, Agreement CAB 29262, IATA agreement establishing a U.S.-Venezuela fare structure through March, 1985. (Memo 2406, BIA)
13. Docket 35634, Agreement CAB 29244, IATA agreement proposing revised transpacific cargo rates. (Memo 2412, BIA)
14. Docket 38623, Agreement CAB 29239, Agreement CAB 29246, IATA agreements establishing a fare structure to apply in most North/Central Pacific markets through March, 1985. (Memo 2411, BIA)
15. Docket 42108, Application of Eastern Air Lines, Inc. for an exemption from section 401 of the Federal Aviation Act of 1958, as amended. (Memo 2407, BIA, OGC, BALJ)
16. Report on Canada. (BIA)
17. Report on Peru. (BIA)
18. Report on the United Kingdom. (BIA)
19. Report on Thailand. (BIA)
20. Report on Italy. (BIA)
21. Report on Egypt. (BIA)

STATUS: 1-15 Open, 16-21 Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-18519 Filed 7-10-84; 9:02 am]
BILLING CODE 6320-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 49, No. 128 FR 27243.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 1:30 p.m., Monday, July 9, 1984.

CHANGES IN THE MEETING: Agenda was revised to change the time and the date of the meeting. Listed below is the revised agenda.

TIME AND DATE: 10:00 a.m., Monday, July 16, 1984.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

FY 85 Operating Plan

The Commission will continue its discussion on issues related to the Operating Plan for Fiscal Year 1985.

FOR A RECORDED MESSAGE CONTAINING LATEST AGENDA INFORMATION CALL: 301—492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301—492-6800.

Sheldon D. Butts,
Deputy Secretary.

[FR Doc. 84-18586 Filed 7-10-84; 12:44 pm]
BILLING CODE 6355-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, July 17, 1984, 9:30 a.m. (Eastern Time).

PLACE: Commission Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street NW., 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. 84-5-FOIA-68-BA, concerning a request for an investigator's memorandum from a closed Title VII/Age charge file.
4. Freedom of Information Act Appeal No. 84-5-FOIA-107-CL, concerning a request for an investigator's memorandum from a closed Title VII/Age charge file.
5. Freedom of Information Act Appeal No. 84-5-FOIA-79-ME, concerning a request for copies of materials from a charge file.
6. Freedom of Information Act Appeal No. 84-5-FOIA-35-NO, concerning a request for access to an open age charge file.
7. Freedom of Information Act Appeal No. 84-6-FOIA-38-NO, concerning a request for inter-office memoranda in a closed race discrimination case.
8. Freedom of Information Act Appeal No. 84-5-FOIA-75-MM, concerning a request for the investigator's case analysis and inter-office/agency forms in a closed age case.

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 a

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.

This Notice Issued July 10, 1984.
Dated: July 10, 1984.

Treva McCall,

Executive Secretary to the Commission.

[FR Doc. 84–18556 Filed 7–10–84; 12:44 pm]

BILLING CODE 6750–06–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, July 9, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Citicorp Industrial Bank, an operating noninsured industrial bank located at 13901 E. Exposition Avenue, Aurora, Colorado, for Federal deposit insurance.

Application of Citicorp Person-to-Person Boulder Industrial Bank, an operating noninsured industrial bank located at 1600 38th Street, Suite 104, Boulder, Colorado, for Federal deposit insurance.

Application of Citicorp Person-to-Person Colorado Springs Industrial Bank, an operating noninsured industrial bank located at 2010 North Academy Boulevard, Colorado Springs, Colorado, for Federal deposit insurance.

Application of Citicorp Person-to-Person Denver Industrial Bank, an operating noninsured industrial bank located at No. 1 Barclay Plaza, 1675 Larimer, Denver, Colorado, for Federal deposit insurance.

Application of Citicorp Person-to-Person Englewood Industrial Bank, an operating noninsured industrial bank located at 701 W. Hampden, Unit K–2819, Englewood, Colorado, for Federal deposit insurance.

Application of Citicorp Person-to-Person Fort Collins Industrial Bank, an operating noninsured industrial bank located at 3050 South College Avenue, Fort Collins, Colorado, for Federal deposit insurance.

Application of Citicorp Person-to-Person Lakewood Industrial Bank, an operating noninsured industrial bank located at 7063 W. Alameda, Lakewood, Colorado, for Federal deposit insurance.

Application of Citicorp Person-to-Person Northglenn Industrial Bank, an operating noninsured industrial bank located at 10661 Melody Drive, Northglenn, Colorado, for Federal deposit insurance.

An application for capital assistance under section 13(i) of the Federal Deposit Insurance Act: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii).

By the same majority vote, the Board further determined that Corporation business required the addition to the agenda for consideration at this meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to Section 13 of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the puhlic interest did not require consideration of the matter added to the agenda in a meeting open to public observation; and that the matter added to the agenda could be considered in a closed meeting by authority of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Dated: July 9, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–18624 Filed 7–10–84; 2:53 pm]

BILLING CODE 6714–01–M

5

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 2:30 p.m., Thursday, July 19, 1984.

PLACE: Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6970).

MATTERS TO BE CONSIDERED: Policies Relating to Insurance of Accounts of *De Novo* Institution.

John F. Ghizzoni,

Assistant Secretary.

No. 90, July 10, 1984.

[FR Doc. 84–18575 Filed 7–10–84; 10:52 am]

BILLING CODE 6720–01–M

6

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—July 18, 1984.

PLACE: Hearing Room One—1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

1. Informal Inquiry into Co-Loading Practices of non-vessel operating common carriers—Consideration of Proposed Rule.

Portions Closed to the public:

1. Docket No. 79–2: Agreement No. 10293, and Docket No. 79–3: Agreement No. 10295.
2. Freight Forwarder Brokerage Antitrust Litigation.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 84–18626 Filed 7–10–84; 2:53 pm]

BILLING CODE 6730–01–M

7

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–84–25]

TIME AND DATE: 9 a.m., Thursday, July 12, 1984.

PLACE: NTSB Board Room, 8th Floor, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: The first three items will be open to the public; the remaining items will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED: A majority of the Board determined by recorded vote that the business of the Board required holding this meeting at this time and that no earlier announcement was possible.

1. *Highway Accident Report:* Trailways Lines, Inc., Bus/E.A. Holder, Inc., Truck Rear End Collision and Bus Run-Off-Bridge, U.S. Route 59, near Livingston, Texas, November 30, 1983.
2. *Recommendation* to the Federal Aviation Administration regarding Fairchild Swearingen Model SA–226 main landing gear emergency extension procedures.
3. *Special 1983 Briefs of Incidents:* Republic Airlines; Files No. 5004 and 5024.
4. *Opinion and Order:* Administrator v. Zock, Dkt. SE–5777; disposition of Administrator's appeal.
5. *Opinion and Order:* Petition of Eckes, Dkt. SM–3145; disposition of the Administrator's appeal.
6. *Opinion and Order:* Administrator v. Kierstead; Dkt. SE–5933; disposition of respondent's appeal.
7. *Opinion and Order:* Administrator v. Rutherford, Dkt. SE–5948; disposition of the appeals of both parties.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382–6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

July 9, 1984.

[FR Doc. 84–18567 Filed 7–10–84; 10:36 am]

BILLING CODE 4910–58–M

8

NUCLEAR REGULATORY COMMISSION

DATE: Week of July 23, 1984.

PLACE: Commissioner's Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Monday, July 23

2:00 p.m.
Discussion of Indian Point Adjudicatory Proceeding (Closed—Ex. 10)

Tuesday, July 24

2:00 p.m.
Discussion with S. Naymark (Quadrex) (Public Meeting)

Wednesday, July 25

2:00 p.m.
Discussion/Possible Vote on Final Rulemaking on Financial Qualifications (Public Meeting)

Thursday, July 26

10:00 a.m.
Discussion of Role of the Staff/Ex Parte (Public Meeting) (Postponed from June 26)

2:00 p.m.
Discussion/Possible Vote on Full Power Operating License for Diablo Canyon (Public Meeting)

ADDITIONAL INFORMATION:

Briefing by Executive Branch (Closed—Ex. 1) was held on June 20.

Discussion of Management-Organization and Internal Personnel Matters scheduled for June 21, *cancelled.*

Affirmation of "Additional Information Regarding Final Proposed Fitness for Duty Rule" and "Callaway Joint Intervenors' Motion for Leave to File Contention on Financial Qualifications" was held on July 5 (Public Meeting).

TO VERIFY THE STATUS OF MEETINGS CALL: (Recording)—(202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Dated: July 6, 1984.

Walter Magee,

Office of the Secretary.

[FR Doc. 84–18511 Filed 7–9–84; 5:00 pm]

BILLING CODE 7590–01–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 will hold the following meeting during the week of July 16, 1984, at 450 Fifth Street, NW., Washington, D.C.

A closed meeting will be held on Tuesday, July 17, 1984, at 10:00 a.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Treadway, Cox, Marinaccio and Peters voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, July 17, 1984, at 10:00 a.m., will be:

Formal order of investigation.

Institution and settlement of administrative proceedings of an enforcement nature.

Institution of injunctive action.

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: William Y. Fowler, IV at (202) 272–3077.

Shirley E. Hollis,

Assistant Secretary.

July 10, 1984.

[FR Doc. 84–18637 Filed 7–10–84; 4:13 pm]

BILLING CODE 8010–01–M

10

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1334]

TIME AND DATE: 2 p.m. (EDT), Monday, July 16, 1984.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda Items

Approval of minutes of meeting held on July 9, 1984.

Discussion Item

Preliminary rate review.

Action Items

B—Purchase Awards

B1. Requisition 67–195377—Primary and excess nuclear property insurance for Watts Bar Nuclear Plant.

B2. Requisition 92—Coal for Widows Creek Steam Plant.

B3. Invitation 50–696734—Requirements contract to furnish labor, material, and equipment necessary to install a partition and component system for the Chattanooga office complex.

D—Personnel

D1. Renewal of personal services contract with Querytech Associates (formerly Questech, Inc.) Knoxville, Tennessee, for advice and assistance in connection with TVA's nuclear safety program, requested by the Nuclear Safety Review Staff.

D2. Personal services contract with Impell Corporation, Norcross, Georgia, for services of qualified personnel to perform rigorous analysis, alternate piping analysis, and pipe support design for TVA nuclear plants, requested by the Division of Engineering Design.

D3. Personal services contract with Gilbert/Commonwealth, Inc., Reading, Pennsylvania, for services of qualified personnel to perform rigorous analysis, alternate piping analysis, and pipe support design for TVA nuclear plants, requested by the Division of Engineering Design.

D4. Renewal of personal services contract with ITT Grinnell Corporation, Providence, Rhode Island, for services in connection with the design of onsite pipe supports for the Bellefonte Nuclear Plant, requested by the Division of Engineering Design.

D5. Renewal of personal services contract with Hartford Steam Boiler Inspection and Insurance Company, Hartford, Connecticut, for performance of authorized inspection services at TVA nuclear plant sites, requested by the Division of Construction.

D6. Supplement to personal services contract with Derthick & Henley, Architects, Chattanooga, Tennessee, for architectural and engineering services in connection with the Chattanooga Office Complex project, requested by the Division of Engineering Design.

E—Real Property Transactions

E1. Exchange of permanent easements to mineral estates with the State of South Dakota for use in conjunction with the Edgemont mill decommissioning project.

E2. Grant of permanent easement to the State of Tennessee, for use by the Department of Conservation as part of the

Fort Loudoun State Historical Area for public recreation, wildlife management, and historic and scenic protection purposes, affecting approximately 426 acres of Tellico Reservoir land located in Monroe County, Tennessee—Tract No. XTTELR-28RE.

E3. Abandonment of certain easement rights to Lynn Weigel, affecting approximately 0.31 acre of the Fort Loudoun Reservoir land located in Knox County, Tennessee—Tract No. FL-199F.

E4. Resolution designating a 0.69 acre tract of land purchased by TVA for a radio transmitter and antenna site in the West Point, Mississippi, area of Clay County, Mississippi, as surplus and for sale at public auction—Tract No. XRC-1.

F—Unclassified

F1. Procedure for recertification of second payments to payees who claim nonreceipt, loss, mutilation, destruction, or theft of U.S. Treasury checks.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: July 9, 1984.

W. F. Willis,

General Manager.

[FR Doc. 84-18588 Filed 7-10-84; 1:30 pm]

BILLING CODE 8120-01-M

federal register

Thursday
July 12, 1984

Part II

Department of Health and Human Services

Office of Human Development Services

Head Start Program; Notice of Methods of Providing Training and Technical Assistance Funds in Support of Local Grantees

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Head Start Program; Methods of Providing Training and Technical Assistance Funds In Support of Local Grantees

AGENCY: Administration for Children, Youth and Families (ACYF), Office of Human Development Services (HDS), Department of Health and Human Services (HHS).

ACTION: Final notice.

SUMMARY: This notice changes the methods the Head Start Bureau, ACYF/HDS, uses to provide Head Start training and technical assistance funds in support of local grantees. Under the revised methods, Head Start grantees will be eligible to receive funds for training and technical assistance directly, as part of the regular application process for Head Start grants. In the past, most training and technical assistance funds were awarded separately to specially qualified applicants.

EFFECTIVE DATE: June 1, 1984.

FOR FURTHER INFORMATION CONTACT: ACYF Regional Offices and American Indian Programs Branch and the Migrant Programs Branch at the addresses listed in the Appendix to this Announcement.

SUPPLEMENTARY INFORMATION: The Head Start program is designed to provide comprehensive developmental services primarily to low income preschool children, age three to the age of compulsory school attendance, and their families. To aid enrolled children to obtain their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. The Head Start Act was originally enacted in 1965. The current Head Start Act was enacted by Subchapter B of Chapter 8 of Title VI of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35. The Act is codified at 42 U.S.C. 9831 et seq. The Head Start regulations are published at 45 CFR Parts 1301–1305.

Section 648 of the Head Start Act authorizes the Secretary of Health and Human Services to provide, directly or through grants or other arrangements: (1) Technical assistance to communities in developing, conducting, and administering Head Start programs, and (2) training for specialized or other personnel needed in connection with Head Start programs.

Training is an educational activity or event which is designed to impart knowledge, understanding or increase the development of skills. Such training activities may be in the form of assembled events such as workshops, seminars, or programs of self-instructional activities. Some training is designed for newly hired employees with a focus on base level knowledge and core capability. Other training activities are more advanced and geared to the on-going instructional and information needs of more experienced staff.

Technical assistance is a problem solving event generally utilizing the services of an expert. Such services may be provided on-site, by telephone or other communications. These services address a specific problem or set of problems and are intended to assist the consumer with immediate resolution or an approach to resolving a given problem or set of problems.

Prior to Fiscal Year 1982, the Administration for Children, Youth and Families (ACYF) awarded a number of training and technical assistance (T/TA) contracts to public and private organizations to provide T/TA to Head Start grantees and delegate agencies. In addition, approximately 20% of all grantees were given direct funding to enable them to obtain their own training and/or technical assistance services.

Beginning in Fiscal Year 1982, in an effort to decentralize the Head Start T/TA delivery system and make it more responsive to local grantee needs, the number of grantees directly funded was expanded and awards for State-wide T/TA grants replaced most of the contracts. One of the priority objectives of the State-wide T/TA grantee was preparation of more Head Start grantees for assuming responsibility for and control of T/TA resources through direct funding.

On reviewing our experience in this area, it is our belief that local programs are now better able to plan for and acquire much of their own T/TA services from resources in their communities. Therefore, on April 25, 1984 we published an interim notice (49 FR 17820) that in Fiscal Year 1984 funds would be made available for awards to local Head Start grantees on a direct funding application basis. Public comments on the interim notice were invited.

Response to Comments

We received 259 responses during the comment period. While 25 commentors supported the change, 234 others objected to the change for several reasons.

Respondents who support the proposed change stated that local programs are able to manage their own T/TA services and that direct funding would permit them to better plan and arrange for T/TA services that are more responsive to their needs than services planned and arranged by other parties.

The majority of the respondents opposing an increase in direct funding supported the State-wide T/TA delivery system. They stated that staff of Head Start grantees, parents and volunteers are well served through the State-wide providers. They expressed concern that the broad communication network, resource linkages, and resource sharing among grantees would be jeopardized without the assistance of a central T/TA provider.

Based on our previous experience in direct funding of a certain number of grantees, we believe that T/TA services responsive to needs of Head Start grantee staff, parents and volunteers will continue to exist through the direct funding approach. Head Start programs will be able to plan and arrange for T/TA services tailored to their specific needs, including utilization of a central T/TA provider.

In addition, Resource Support Gants will be awarded through a competitive process. These Resource Support providers will be available to those programs that request assistance in making effective use of direct funded dollars. They will serve as a communication link between Head Start programs and other agencies as well as stimulate coordination and resource sharing among Head Start program.

Many of the respondents stated that direct funding would jeopardize the quality of training. They expressed concern that head Start programs would not have access to persons of high caliber to provide them with the quality T/TA services they need.

We believe that the quality of training services will be maintained through direct funding. Local programs can engage those persons who have previously rendered quality T/TA services to their programs. Additionally, staff of the Resource Support Grantees and the Regional Offices will be available to assist local programs in identifying knowledgeable persons who can provide requested T/TA services.

Several respondents expressed concern that direct funding would be of little benefit to small, rural and isolated programs. They were concerned that needed T/TA resources are limited in these areas and that due to the small size of these programs, direct funding would not provide them with sufficient funds to support adequate T/TA services.

Our approach to direct funding permits local grantees to combine their resources with other grantees voluntarily to jointly plan and purchase their T/TA services. Such joint funding arrangements would enable small, rural, or geographically isolated programs to receive sufficient services and also realize some cost savings in combining their funds to engage services of public and private sector resources.

A few respondents expressed concern that some programs do not presently have capabilities to manage their own T/A services and that there are no assurances that T/TA funds received will be used for Head Start T/TA activities. They questioned direct funding as a cost effective approach to the delivery of T/TA services.

Those relatively few grantees that are not yet able to plan for and acquire their own T/TA will not be directly funded. Their T/TA services will be provided through Resource Support Grantees until they achieve capabilities to manage their own T/TA services.

Direct funding will be accomplished through the normal grant award process as part of grantee's full year applications. These funds will be earmarked specifically for T/TA purposes only. Each application will include distinct budget lines for the T/TA dollars received and the narrative presentation will specifically state how the T/TA dollars will be used. The Regional Offices and American Indian and Migrant Programs Branches will alos inform grantees of activities allowable through the expenditure of T/TA dollars they receive. These controls will prevent manipulation of T/TA funds for other purposes.

Additionally, cost savings would be realized as local grantees arrange for their own services rather than expending substantial amounts to third parties to arrange for their T/TA activities.

A few respondents expressed support for a versatile T/TA delivery system and recommended flexibility on permitting local grantees and Regional Officers to determine delivery systems best suited to their needs.

We believe the combination of direct funding and Resource Support Grants provides a versatile approach to the delivery of T/TA services. Local programs may either obtain services individually or act jointly to continue T/TA activities that now occur. Additionally, the Resource Support Grantees will provide a central T/TA source available upon request to local grantees to provide assistance in such matters as resource identification, coordination of T/TA services, resource sharing among grantees, and engaging the participation of public and private agencies in the conduct of T/TA events.

Upon analyses of the comments, we have concluded that the concerns and objections can be dealt with satisfactorily in the new system.

Therefore, in Fiscal Year 1984, an amount of approximately $13,500,000 of training and technical assistance funds will be made available for awards to local Head Start grantees on a direct funding application basis. In addition, approximately $5,500,000 will be available for Regional, Sub-Regional, and American Indian and Migrant Programs Resource Support Grants. A program announcement regarding the Resource Support Grants is published elsewhere in this issue of the **Federal Register.**

Grantees will be funded directly through the normal grant award process as part of the full year application. "High risk" grantees and grantees not yet able to plan for and acquire their own T/TA may be excluded from direct funding. Those grantees that will be awarded T/TA funds will receive a base amount of approximately $1,500 and additional amounts based on child enrollment and justified needs.

A copy of this Notice is being mailed to each Head Start grantee and delegate agency.

(Catalog of Federal Domestic Assistance Program Number 13.600, Head Start)

Dated: July 3, 1984.

Joseph Mottola,

Acting Commissioner, Administration for Children Youth and Families.

Approved: July 6, 1984.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Appendix

Administration for Children, Youth and Families Regional Offices and American Indian and Migrant Programs Branches Addresses.

Region I

(Connecticut, Maine, Massachusetts, New Hampshire, Vermont, Rhode Island)

Administration for Children, Youth and Families, OHDS/DHHS Federal Building, Room 2000, Government Center, Boston, Massachusetts 02203.

Mr. Richard Stirling, Regional Program Director, (617) 223–6450.

Region II

(New York, New Jersey, Puerto Rico, Virgin Islands)

Administration for Children, Youth and Families, OHDS/DHHS, Federal Building, Room 4149, 26 Federal PLaza, New York, New York 10278.

Mr. Dennis Couglin, Regional Program Director (212) 264–3472.

Region III

(Delaware, Washington, D.C., Maryland, Pennsylvania, Virginia, West Virginia)

Administration for Children, Youth and Families, OHDS/DHHS, 3535 Market Street (P.O. Box 13716), Philadelphia, Pennsylvania 19101.

Mr. Alvin Pearis, Regional Program Director, (215) 596–0356.

Region IV

(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Administration for Children, Youth and Families, OHDS/DHHS, 101 Marietta Tower, Suite 903, Atlanta, Georgia 30323.

Mr. John Jordan, Regional Program Director, (404) 221–2134.

Region V

(Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Administration for Children, Youth and Families, OHDS/DHHS, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606.

Mr. German White, Regional Program Director, (312) 353–6503.

Region VI

(Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Administration for Children, Youth and Families, OHDS/DHHS, 1200 Main Tower Building, 20th Floor, Dallas, Texas 75202.

Mr. Tommy Sullivan, Regional Program Director, (214) 767–2976.

Region VII

(Iowa, Kansas, Missouri, Nebraska)

Administration for Children, Youth and Families, OHDS/DHHS, Federal Building, 3rd Floor, 601 East 12th Street, Kansas City, Missouri 64106.

Mr. Milton Baines, Regional Program Director, (816) 374–5401.

Region VIII

(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Administration for Children, Youth and Families, OHDS/DHHS, Federal Office Bldg., Room 908, 1916 Stout Street, Denver, Colorado 80294.

Mr. David Chapa, Regional Program Director, (303) 844–3106.

Region IX

(Arizona, California, Hawaii, Nevada, American Samoa, Guam, Commonwealth of the Northern Mariana Islands, and the Pacific Trust Territories)

Administration for Children, Youth and Families, OHDS/DHHS, Federal Building, Room 143, 50 United Nations Plaza, San Francisco, California 94102.

Mr. Roy Fleischer, Regional Program Director, (415) 556–6153.

Region X

(Alaska, Idaho, Oregon, Washington)

Administration for Children, Youth and Families, OHDS/DHHS, Arcade Plaza Building, 1321 2nd Avenue, Seattle, Washington 98101.

Mr. William Hayden, Regional Program Director, (206) 442–0838.

American Indian Programs Branch

Ms. Pecita Lonewolf, Chief, American Indian Programs Branch, Head Start Bureau, ACYF, OHDS/DHHS, Donohoe Building, Room 5831 (P.O. Box 1182) Washington, D.C. 20013, (202) 755–7715.

Migrant Programs Branch

Ms. Josephine Reifsnyder, Acting Chief, Migrant Program Branch, Head Start Bureau, ACYF, OHDS/DHHS, Donohoe Building, Room 5825 (P.O. Box 1182) Washington, D.C. 20013, (202) 755–8065.

[FR Doc. 84–18367 Filed 7–11–84; 8:45 am]

BILLING CODE 4130–01–M

federal register

Thursday
July 12, 1984

Part III

Department of Health and Human Services

Office of Human Development Services

Head Start Program; Notice of Availability of FY 1984 Funds for Training and Technical Assistance Program

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Program Announcement No. 13600-842]

Head Start Program; Availability of FY 1982 Funds for Training and Technical Assistance Program

AGENCY: Administration for Children, Youth and Families (ACYF), Office of Human Development Services (OHDS), Department of Health and Human Services (HHS).

ACTION: Announcement of availability of FY 1984 funds for the Head Start Training and Technical Assistance Program.

SUMMARY: The Head Start Bureau of the Administration for Children, Youth and Families (ACYF), OHDS, announces that competing applications will be accepted for new Regional, Sub-Regional and American Indian and Migrant Programs Resource Support Grants. The purpose of these grants will be to provide training and technical assistance (T/TA) to local Head Start grantees and to assist them in the management and provision of services. Resource Support Grants will be awarded and administered by the ten ACYF/HDS Regional Offices and the American Indian and Migrant Programs Branches. Resource Support Grants will be awarded to successful applicants to serve local Head Start programs throughout a Region, within a Sub-Regional area (i.e., programs located in one or more States) or to serve American Indian and Migrant Head Start programs.

DATE: The closing date for receipt of applications is August 27, 1984.

FOR FURTHER INFORMATION CONTACT: ACYF Regional Offices and American Indian Programs Branch and the Migrant Programs Branch at the addresses listed in Appendix III to this Announcement.

SUPPLEMENTARY INFORMATION: The Head Start program is designed to provide comprehensive developmental services primarily to low income preschool children, age three to the age of compulsory school attendance, and their families. To aid enrolled children to obtain their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. The Head Start Act was originally enacted in 1965. The current Head Start Act was enacted by Subchapter B of Chapter 8 of Title VI of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35. The Act is codified at 42 U.S.C. 9831 et seq. The Head Start regulations are published at 45 CFR Parts 1301-1305.

Section 648 of the Head Start Act authorizes the Secretary of Health and Human Services to provide directly or through grants or other arrangements: (1) Technical assistance to communities in developing, conducting, and administering Head Start programs, and (2) training for specialized or other personnel needed in connection with Head Start programs.

Training is an educational activity or event which is designed to impart knowledge and understanding or to increase the development of skills. Such training activities may be in the form of assembled events such as workshops, seminars, or programs or self-instructional activities. Some training is designed for newly hired employees with a focus on base level knowledge and core capability. Other training activities are more advanced and geared to the on-going instructional and information needs of more experienced staff.

Technical assistance is a problem solving event generally utilizing the services of an expert. Such services may be provided on-site, by telephone or through other communications. These services address a specific problem or set of problems and are intended to assist the consumer with immediate resolution or an approach to resolving a given problem or set of problems.

Prior to Fiscal Year 1982, the Administration for Children, Youth and Families (ACYF) awarded a number of training and technical assistance (T/TA) contracts to public and private organizations to provide T/TA to Head Start grantees and delegate agencies. In addition, approximately twenty percent of all grantees were given direct funding to enable them to obtain their own training and/or technical assistance service.

Beginning in Fiscal Year 1982, in an effort to decentralize the Head Start T/TA delivery system and make it more responsive to local grantee needs, the number of grantees directly funded was expanded and awards for State-wide T/TA grants replaced most of the contracts. One of the priority objectives of the State-wide T/TA grantees was preparation of more Head Start grantees for assuming responsibility for, and control of, T/TA resources through direct funding.

On reviewing our experience in this area, it is our belief that local programs are now better able to plan for and acquire much of their own T/TA services from resources in their communities. Therefore, of the total amount ($25,000,000) available for Head Start T/TA in Fiscal Year 1984, ACYF plans to award approximately $13,500,000 directly to Head Start grantees. Those funds will be awarded through the ten HHS/HDS Regional Offices and the American Indian and Migrant Programs Branches as part of the regular application process for Head Start grants.

An interim Final Notice promulgating a change in the methods the Head Start Bureau, ACYF/HDS, uses to provide Head Start T/TA funds in support of local grantees was published in the **Federal Register** on April 25, 1984 (49 FR 17820). A Final Notice regarding the award of T/TA funds directly to local Head Start grantee is published elsewhere in this issue of the **Federal Register.**

Under this program announcement, approximately $5,500,000 will be available for Regional, Sub-Regional, or American Indian and Migrant Programs Resource Support Grant awards. It is expected that these grants will provide T/TA services to those relatively few grantees that are not funded directly. It is expected that these grants will also assist other grantees in making effective use of the funds they receive, i.e., assisting grantees in designing pre-service and in-service training activities, identifying other T/TA resources such as trainers or consultants, clustering T/TA services among grantees, and disseminating information pertaining to each of the Head Start component areas.

Program Goals and Objectives

The overall goal or objective of all T/TA arranged or provided by the Resource Support Grantees will be to assist local Head Start programs to manage their own T/TA activities. It is expected that such T/TA services to local Head Start programs will ultimately result in:

1. Increased knowledge and skills necessary for competent performance of staff of local Head Start programs in disciplines of the component areas to which they are assigned;

2. An improved capacity of local programs to design and conduct their own training programs;

3. A cadre of personnel employed in Head Start programs who have appropriate skills to do training and provide technical assistance services to their own or other Head Start programs;

4. A subsequent reduction in funds obligated to engage third party T/TA providers. As the capability within local programs to effectively manage and access their own T/TA services is increased, there will be a decreasing need for funds to be used to support third-party providers such as the Resource Support Grantees; and

5. Improved performance and services provided by local Head Start grantees.

Eligible Applicants

Public or private non-profit and "for profit" organizations may apply for financial assistance under this announcement, including:

- Organizations formed especially for this purpose (such as a consortium of Head Start associations);
- Institutions of higher education; and
- Existing non-profit and "for profit" providers of Head Start training and technical assistance.

Applicants must be organizations which are located within the geographical areas to be served by the grant.

Available Funds

In order to continue our progress in providing more direct funding of T/TA to local Head Start grantees the amounts available for Resource Support Grants would generally become lower over time. For example, in FY 1985 we anticipate providing a larger portion of our T/TA resources to local Head Start grantees than in FY 1984, thereby resulting in somewhat lower funds being available to Resource Supports Grants in FY 1985.

The Administration for Children, Youth and Families expects to award approximately $5,500,000 in FY 1984 for Head Start Resource Support Grants. Generally, the project period for these grants will be for two years. Those Resource Support Grants that are continued in FY 1985 will be refunded as non-competing continuations with the possibility of somewhat reduced funding. Decisions for FY 1985 will be on a case-by-case basis, in consideration of the needs of the local Head Start grantees.

Support for FY 1985 will also depend on funds available; Resource Support Grantees' satisfactory performance on the project for which the award was made; and the best interests of the Government.

Appendix II is a table of the amounts available from the FY 1984 allocations by regions and the American Indian and Migrant programs.

Recipient Share of the Project

Recipients are not required to provide a non-Federal share or in-kind contributions. However, in-kind contributions are encouraged.

Program Priorities

Each Resource Support Grantee will be responsible for providing T/TA services or obtaining such services through other means, i.e., brokering T/TA services. Each grantee must give priority for such T/TA services in following order to:

1. Requests for services from "High Risk" and other grantees that have not received direct funding to enable them to obtain T/TA services.
2. Assist local programs in negotiating Child Development Associate (CDA) training packages with local colleges and universities; and arranging for academic or continuing education credits.
3. Provide support to directly funded grantees, especially new expansion grantees, to help them effectively maximize the use of their T/TA funds. This may include providing specific T/TA support in areas identified in program compliance reviews.
4. Help local Head Start programs to identify individuals who can provide T/TA within the geographic area served by the Regional, Sub-Regional or American Indian and Migrant Resource Support Grant. Help local Head Start programs match identified needs with appropriate individuals and sites and brokering an assistance relationship. In many cases this may involve payment of an honorarium by the Resource Support Grantee and may also require reimbursement for travel and/or per diem to persons who have completed T/TA assignments.

In addition to addressing the above mentioned priorities, Resource Support Grantees may arrange for a nember of other activities or services depending on assessments and requests of the local programs. Such activities may include:

1. Collecting, disseminating and communicating information pertaining to all Head Start programs.
2. Assisting grantees in designing pre-service and in-service training activities related to each of the Head Start component areas.
3. Planning and conducting Regional/Sub-Regional workshops and seminars.
4. Coordinating with other Head Start T/TA projects, e.g., Resource Access Projects (RAPs), Public Health Service and Indian Health Service dental agreements, and Bilingual/Multi-cultural Resource Centers.
5. Identifying and engaging State/local government agencies as active participants in addressing T/TA needs of local Head Start programs.
6. Identifying and fostering increased utilization of other public, private and voluntary sector resources.

General Instructions

Training and technical assistance are considered key factors in implementing and maintaining Head Start program quality and performance.

Training and/or technical assistance may be given to any Head Start program for the purpose of conforming with Head Start regulations and policies or for other purposes depending on needs at the local level and national priorities. The determination that particular areas of the program require improvement is made by comparing actual program operation with Federal regulations and policies that govern the Head Start program. For this, the results of the compliance reviews are often helpful.

Prospective Resource Support Grantees should assess needs and reflect in their application the needs expressed by local Head Start programs within their designated geographic area as a basis for planned training and/or technical assistance activities.

The scope of the training and technical assistance (T/TA) efforts may include content related to all the Head Start program components and administration. Regional Offices have in the past used, and to a varying extent in different regions still may use, some or all of the following tools and methods to identify T/TA needs: The Program and Administrative Self-Assessment/Validation (SAVI's) or other assessment tools; routine validations; In-depth validations; audits; general program reviews; per-reviews; Program Information Reports (PIR) and Performance Indicators. In addition, T/TA may be provided in major National and Regional/American Indian/Migrant ACYF program emphases and pertinent Regional, multi-State and State Head Start Association emphases. Major subject areas for Resource Support Grantees' Head Start training and technical assistance are:

- Education;
- Parent Involvement;
- Social Services;
- Health (medical, nutrition, and mental health);
- Staff Training for Career Advancement; and
- Management and Administration (Management and administration include systems for the management of needs assessments, program planning, program improvement, personnel administration, fiscal management, program funding, organizational structure and compliance with regulations and Head Start policies.)

In addition, the Resource Support Grantee should take full advantage of the resources and expertise available form other ACYF grants and contracts, and should coordinate as necessary with those contractors or grantees. Specifically, the Regional Support Grantee should coordinate with

Resource Access Projects for handicapped services; Bilingual/ Multicultural Resource Centers; the National Child Development Associate (CDA) grantee; and the Public Health Service and Indian Health Service for dental health T/TA. These contractors and grantees are available to provide leadership, materials, advice and, in most cases, both training and orientation for the staff of the Resource Support Grantee and direct T/TA for local Head Start programs.

The Application Process

Availability of Forms

Application for a financial assistance award under the Head Start Training and Technical Assistance Program must be submitted on the standard forms provided for this purpose. Application kits which include the forms and other information may be obtained by writing or calling the Regional Office or the American Indian and Migrant Programs Branches contact listed in Appendix III of this Program Announcement. Pre-application conferences will be scheduled for prospective grantees. Attendance at these conferences is not required in order to apply for a grant. (See Appendix I.)

Application Submission

At a minimum, one signed original and two copies of the application are required. However, an additional three copies would be helpful in expediting the review process. Applications, including all attachments, must be submitted as follows:

a. Applications for Regional and Sub-Regional Resource Support Grants must be submitted to the appropriate HDS Regional Office of Financial Operations (OFO), (see Appendix IV for list of Regional OFOs).

b. Applications for the American Indian and Migrant Resource support Grants must be submitted to Mary White, OHDS Grants and Contracts Management Division, North Building, Room 1296, 330 Independence Ave., SW, Washington, D.C. 20201

Notification Under Executive Order 12372

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Each State has established a State Single Point of Contact (SPOC) to fulfill the requirements of Executive Order 12372. Applicants must submit required material to their SPOC's to obtain their comments for consideration by OHDS as part of the award process. Applicants should contact their SPOC or State Process as soon as possible to alert them of the prospective application and receive specific instructions regarding the process. Required material should be sent to the SPOC as early as possible so that their comments can be included in the application submittal. If an applicant received the comments subsequent to the submittal of an application to OHDS, the applicant should forward them immediately to the OHDS Receiving Office as indicated in Appendix IV of this announcement. OHDS will notify the State of any application received which has no indication that the State process had an opportunity to review it.

OHDS must obligate the funds for these awards by September 30, 1984. Therefore, the required 60 day comment period for State process review and recommendation will end on September 13, 1984 in order for OHDS to receive, consider and accommodate SPOC input.

For convenience, an applicant certification form and a list of SPOC's is included as Appendix V of this announcement.

Application Consideration

Applications which are complete and conform to the requirements of this program announcement are subject to a competitive review and evaluation by qualified persons from the Administration for Children, Youth and Families, and other consumer representatives.

The results of the competitive review will be taken into consideration by the respective Regional Program Directors and Chiefs of the American Indian and Migrant Programs Branches. Following consultations between the Regional Program Directors, the American Indian and Migrant Programs Branch Chiefs, and the Associate Commissioner of the Head Start Bureau, the Associate Commissioner of the Head Start Bureau will recommend applicants to be funded. The Commissioner of ACYF will approve the final selection of applicants to be funded.

After the Commissioner has reached a decision either to approve or not to fund competing applications, unsuccessful applicants will be notified in writing of this decision. Successful applicants will be notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds awarded, the budget period for which support is given, and the total period for which project support is contemplated.

Criteria for Review and Evaluation of Application

Competing applications for financial assistance will be reviewed and evaluated against the following criteria:

I. Understanding: Extent to which the project objectives support or are capable of achieving the progam objectives and priorities as described by the program announcement—10 points.

II. Technical Approach: Extent to which the application demonstrates an ability to apply the appropriate training methodology to different audiences for different purposes; knowledge of the use of various training and technical assistance techniques and their application to Head Start program staff and parents, and ability to satisfy the requirements and standards of the program priorities—25 points.

III. CDA Services: Extent to which the applicant shows capacity for assisting local programs in negotiating CDA training packages with local college(s) and universities, and arranging for academic or continuing education credits—20 points.

IV. Grantee Capability: Extent to which the applicant has or will have adequate facilities and resources and demonstrates familiarity with needs assessment, training and resource identification in the areas to be served—10 points.

V. Staff Capability: Extent to which the applicant's staff are shown to be qualified, experienced in, and familiar with the work to be performed and the programs to be served; and extent to which professional personnel are shown to be available to the applicant at the anticipated time of award—25 points.

VI. Cost: Extent to which the estimated cost to the Government is reasonable considering the anticipated results—10 points

Closing Date for Receipt of Application

The closing date for receipt of all applications under this Program Announcement is August 27, 1984.

Mailed applications. Applications mailed through the U.S. Postal Service shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent by first class mail, postmarked on or before the deadline date, and received in time to be considered during the competitive review and evaluation process. (Applicants are cautioned to request a legible U.S. Postal Service postmark or to use express mail or certified or registered mail and obtain a legibly dated mailing receipt from the

U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

Applications submitted by other means. Applications submitted by any means except through the U.S. Postal Service shall be considered as meeting the deadline only if they are physically received before close of business on or before the deadline date.

Late applications. Applications which do not meet these criteria are considered late applications and will not be considered in the current competition.

(Catalog of Federal Domestic Assistance Program Number 13.600, Head Start)

Dated: July 3, 1984.

Joseph Mottola,

Acting Commissioner, Administration for Children, Youth and Families.

Approved: July 6, 1984.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Appendix I

Regional Preapplication Conference for Prospective Applicants

Each ACYF Regional Office, and the American Indian Programs Branch and Migrant Programs Branch will schedule a conference for interested applicants within approximately two weeks after the date this announcement appears in the **Federal Register**. There will be one conference in each Regional office city, and one conference in Washington. D.C. for the American Indian Programs Branch and Migrant Programs Branch. At this conference, ACYF staff will answer questions concerning the announcement. It is not necessary to attend the conference to submit a grant application. Any prospective applicant, including prospective American Indian and Migrant applicants, may attend the conference in any of the eleven cities.

It is recommended that interested organizations secure a copy of the application kit before the conference, if possible. Application kits are available from offices listed in Appendix III. The number of application kits available at the conferences may be limited.

Contract the office of the ACYF Regional Program Director or the Branch Chiefs of the American Indian and Migrant Programs, for the exact time, date and place of the conference for the Region (or American Indian and Migrant Programs) in which you are interested in submitting an application. (See Appendix III.)

APPENDIX II

Region and State	Number of resource support grantees	Approximate amount of fiscal year 1984 grant (dollars)	Duration of fiscal year 1984 grant (months)	Total number of Head Start grantees	Number of grantees to receive all T/TA services through RSG
I. Boston: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	1	189,000	12	87	10
II. New York: New Jersey, New York (New York City) (NW NYS) (SE NYS), Puerto Rico, Virgin Islands	1	827,800	12	73	11
III. Philadelphia: Delaware, Dist. of Col., Maryland, Pennsylvania, Virginia, West Virginia	1	551,700	12	127	7
IV. Atlanta:					
Area No. 1: Kentucky, N.C., Tenn	1	525,500	12	106	0
Area No. 2: Alabama, Miss	1	462,500	12	55	0
Area No. 3: S.C., Florida, Georgia	1	450,300	12	60	0
V. Chicago: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	1	180,000	12	200	0
IV. Dallas: Arkansas, Louisiana, New Mexico, Oklahoma, Texas	1	500,000	12	148	0
VII. Kansas City: Iowa, Kansas, Missouri, Nebraska	1	269,100	12	64	0
VIII. Denver: Colorado, Montana, N. Dakota, S. Dakota, Utah, Wyoming	1	250,000	12	56	0
IX. San Francisco:					
Area No. 1: Arizona, California, Hawaii, Nevada	1	260,200	12	86	0
Area No. 2: Outer Pacific	1	148,700	12	8	7
X. Seattle:					
Area No. 1: Alaska, Washington	1	122,900	12	26	0
Area No. 2: Idaho	1	68,200	12	8	0
Area No. 3: Oregon	1	124,400	12	19	0
American Indian Program:					
Area No. 1: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming	1	130,000	12	43	12
Area No. 2: Florida, Minnesota, Mississippi, Nebraska, New Mexico, New York, North Caroline, North Dakota, Oklahoma, South Dakota, Wisconsin	1	184,000	12	51	17
Migrant Program Nationwide	1	186,500	12	23	0

Appendix III

Administration for Children, Youth and Families Regional Office and American Indian and Migrant Programs Branches addresses.

Region I

(Connecticut, Maine, Massachusetts, New Hampshire, Vermont, Rhode Island)

Administration for Children, Youth and Families, OHDS/DHHS, Federal Building, Room 2000, Government Center, Boston, Massachusetts 02203.

Mr. Richard Stirling, Regional Program Director, (617) 223–6450.

Region II

(New York, New Jersey, Puerto Rico, Virgin Islands)

Administration for Children, Youth and Families, OHDS/DHHS, Federal Building, Room 4149, 26 Federal Plaza, New York, New York 10278.

Mr. Dennis Couglin, Regional Program Director, (212) 264–3472.

Region III

(Delaware, Washington, D.C., Maryland, Pennsylvania, Virginia, West Virginia)

Administration for Children, Youth and Families, OHDS/DHHS, 3535 Market Street, (P.O. Box 13716), Philadelphia, Pennsylvania 19101.

Mr. Alvin Pearis, Regional Program Director, (215) 596–0356.

Region IV

(Alabama, Florida, Georgia, Kentucky, Mississippi;, North Carolina, South Carolina, Tennessee)

Administration for Children, Youth and Families, OHDS/DHHS, 101 Marietta Tower, Suite 903, Atlanta, Georgia 30323.

Mr. John Jordan, Regional Program Director, (404) 221–2134.

Region V

(Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Administration for Children, Youth and Families, OHDS/DHHS, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606.

Mr. German White, Regional Program Director, (312) 353–6503.

Region VI

(Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Administration for Children, Youth and Families, OHDS/DHHS, 1200 Main Tower Building, 20th Floor, Dallas, Texas 75202.

Mr. Tommy Sullivan, Regional Program Director, (214) 767–2976.

Region VII

(Iowa, Kansas, Missouri, Nebraska)

Administration for Children, Youth and Families, OHDS/DHHS, Federal Building, 3rd Floor, 601 East 12th Street, Kanasa City, Missouri 64106.

Mr. Hilton Baines, Regional Program Director, (816) 374–5401.

Region VIII

(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Administration for Children, Youth and Families, OHDS/DHHS, Federal Office Bldg., Room 908, 1916 Stout Street, Denver, Colorado 80294.

Mr. David Chapa, Regional Program Director, (303) 844–3106.

Region IX

(Arizona, California, Hawaii, Nevada, American Samoa, Guam, Commonwealth of the Northern Mariana Islands, and the Pacific Trust Territories)

Administration for Children, Youth and Families, OHDS/DHHS, Federal Building, Room 143, 50 United Nations Plaza, San Francisco, California 94102.

Mr. Roy Fleischer, Regional Program Director, (415) 556–6153.

Region X

(Alaska, Idaho, Oregon, Washington)

Administration for Children, Youth and Families, OHDS/DHHS, Arcade Plaza Building, 1321 2nd Avenue, Seattle, Washington 98101.

Mr. William Hayden, Regional Program Director, (206) 442–0838.

American Indian Programs Branch

Ms. Pecita Lonewolf, Chief, American Indian Programs Branch, Head Start Bureau, ACYF, OHDS/DHHS, Donohoe Building, Room 5831 (P.O. Box 1182) Washington, D.C. 20013, (202) 755–7715.

Migrant Programs Branch

Ms. Josephine Reifsnyder, Acting Chief, Migrant Program Branch, Head Start Bureau, ACYF, OHDS/DHHS, Donohoe Building, Room 5825, P.O. Box 1182 Washington, D.C. 20013, (202) 755–8065.

Appendix IV

Directors, OHDS, Office of Fiscal Operations, Regions I–X and OHDS Grants and Contracts, American Indian and Migrant Programs Branches.

Region I

Mr. St. Clair Phillips, Director, OFO/HDS, JFK Federal Building, Room 200, Boston, Massachusetts 02203.

Region II

Mr. Nicholas Cordasco, Director, OFO/HDS, Federal Building, 26 Federal Plaza, New York, New York 10007.

Region III

Mr. William Chesser, Director, OFO/HDS, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

Region IV

Mr. Ed Shulz, Acting Director, OFO/HDS, 101 Marietta Tower, Atlanta Georgia 30323.

Region V

Mr. Russell Armstrong, Director, OFO/HDS, 300 South Wacker Drive, Chicago, Illinois 60606.

Region VI

Mr. Marvin Layne, Director, OFO/HDS, 1200 Main Tower, Dallas, Texas 75202.

Region VII

Mr. William Howard, Director, OFO/HDS, 601 East 12th Street, Kansas City, Missouri 64106.

Region VIII

Mr. Masaru Yoshimura, Director, OFO/HDS, 1961 Stout Street, Room 7440, Denver, Colorado 80202.

Region IX

Mr. Al Huerta, Director, OFO/HDS, 50 United Nations Plaza, San Francisco, California 94102.

Region X

Mr. Garry Griffith, Director, OFO/HDS, 1312 Second Avenue, Mail Stop 813, Seattle, Washington 98101.

American Indian and Migrant Programs Branches

Ms. Mary White, Office of Human Development Services, Grants and Contracts Management Division, North Building, Room 1296, 330 Independence Avenue, SW., Washington, D.C. 20201.

Appendix V

Executive Order 12372 Applicant Certification

Organization Name

☐ has

☐ has not

submitted this application to the State Single Point of Contact.

Date submitted: _____

Authorized Official Signature

Date _____

Executive Order 12372—State Single Points of Contact

Alabama

Mr. William Wallace, Director, Dept. of Economic and Community, Affairs, State Capitol, Montgomery, Alabama 36130, 205/832–6400

Alaska

Mr. Jay Hogan, Associate Director, Office of Management and Budget, Division of Governmental, Coordination, Pouch AW, Juneau, Alaska 99811, 907/465–3562

Arkansas

Mr. Sid Willbanks, Suite 412, 1515 Building, 1515 W. 7th Street, Little Rock, Arkansas 72201, 501/371–2345

Arizona

Mr. Larry Landry, Executive Director, Office of Economic Planning and Development, 4th Floor, Capitol Towers, Room 505, Phoenix, Arizona 85007, 602/255–5371

California

Mr. Huston Carlyle, Office of Planning and Research, 1400 10th Street, #156, Sacramento, California 95814, 916/445–4831

Colorado

Mr. Kenneth Tort, Executive Director, Office of Planning and Budget, 102 State Capitol, Denver, Colorado 80203, 303/866–2156

Connecticut

Mr. Horace Brown, Acting Under Secretary, Office of Policy and Managment, Comprehensive Planning Division, 80 Washington Street,

Hartford, Connecticut 06106, 203/566–2555

Delaware

Ms. Marna C. Whittington, State Budget Director, Townsend Building, PO Box 1401, Dover, Delaware 19901, 302/736 4204

District of Columbia

Ms. Pauline Schneider, Director, Office of Intergovernmental Relations, District Building, Room 416, Washington, D.C. 20004, 202/727–6266

Florida

Mr. Steve St. Amand, Office of Planning and Budgeting, Executive Office of the Governor, The Capitol, Tallahassee, Florida 32301, 904/488–8114

Georgia

Mr. Irving Mitchell, Exeucitve Assistant, State Capitol, Room 201, Atlanta, Georgia 30334, 404/656–6870

Hawaii

Mr. Frank Skrivanek, Deputy Director, Department of Planning and Economic, Development, P.O. Box 2359, Honolulu, Hawaii 96804, Honolulu, Hawaii 96804, 808/548–4619

Idaho

Mr. Steven H. Woodall, CPA, Senior Controller, Division of Financial Management, State House, Boise, Idaho 83720, 208/334–2881

Illinois

Mr. Richard McClure, Assistant to the Governor, 207 State Capitol, Springfield, Illinois 62706, 217/782–9357

Indiana

Ms. Judith Palmer, Director, State Budget Agency, Rm. 212, S, State House, Indianapolis, Indiana 46204, 317/232–5612

Iowa

Dr. Edward Stanek, Director, Office of Planning and Programming, 523 E. 12th, Des Moines, Iowa 50319, 515/281–6483

Kansas

Mr. Lynn Muchmore, Director, Office of the Budget, Department of Administration, 263 E. Capitol Street, Topeka, Kansas 66001, 913/296–2436

Kentucky

Mr. Bob Leonard, Manager, Kentucky State Clearinghouse for Local Government, Second Floor, Capital PLaza Tower, Frankfort, Kentucky 40601, 502/564–2382

Louisiana

Mr. Wallace L. Walker, Executive Director, State Planning Office, Capitol Annex, P.O. Box 44426, Baton Rouge, Louisiana 70804, 504/342–7410

Maine

Mr. Richard Barringer, Director, State Planning Office, State House, Augusta, Maine 14333, 207/289–3261

Maryland

Ms. Constance Lieder, Secretary, Department of State Planning, 301 W. Preston Street, Baltimore, Maryland 21201, 301/383–2450

Massachusetts

Mr. Al Raine, Director, Governor's Office of Economic, Development, State House, Rm. 109, Boston, Massachusetts 02202, 617/727–1130

Michigan

Mr. Phil Jourdan, Director, Department of Management and Budget, P.O. Box 30028, Lansing, Michigan 48909, 517/373–1004

Minnesota

Mr. Tom Harren, Department of Energy, Planning and Development, 101 Capitol Square, 550 Cedar Street, St. Paul Minnesota 55101, 612/296–3698

Mississippi

Ms. Libby Smith, Governor's Office of Policy and Planning, 3304 Walter Sillers Building, Jackson, Mississippi 39202, 601/354–7018

Missouri

Mr. Perry McGunniss, Director, Division of Budget and Planning, Office of Administration, State of Missouri, Jefferson City, Missouri 65101, 314/715–3925

Montana

Ms. Cheryl S. Hutchinson, Administrative Assistant, Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620, 406/449–3111

Nebraska

Mr. Gary Krumland, Deputy Director, Policy Research Office, P.O. Box 94601, State Capitol, Lincoln, Nebraska 68509, 402/471–2414

Nevada

Mr. Andrew Grose, Executive Assistant, Office of the Governor, State Capitol, Carson City, Nevada 89701, 702/855–5670

New Hampshire

Mr. David Neville, Office of State, Planning, 2½ Beacon Street, Concord, New Hampshire 03301, 603/271–2155

New Jersey

Mr. Kenneth Butko, Acting Director, Division of Planning, Department of Community Affairs, 6th Floor, 240 W. State Street, Trenton, New Jersey 08625, 609/292–2953

New Mexico

Ms. Denise Fort, Secretary for Administration, State Capitol, #421, Santa Fe, New Mexico 87503, 505/827–2073

New York

Mr. Michael Finnerty, Director, Div. of Budget, State Capitol, Albany, New York 12224, 518/474–3300

North Carolina

Ms. Chrys Baggett, Director, State Clearinghouse, N.C. Dept. of Administration, 116 West Jones St., Raleigh, North Carolina 27611, 919/733–7061

North Dakota

Ms. Nancy Rockwell, Director, Federal Aid Coordinator's Office, Office of Management and Budget, 17th Floor, State Capitol, Bismarck, North Dakota 58505, 701/224–2094

Ohio

Mr. Leonard Roberts, Deputy Director, Office of Management and Budget, Room 3931, State Office Tower, 30 E. Broad St., 39th Floor, Columbus, Ohio 43215, 614–466–4363

Oklahoma

Ms. Cindy Rambo, Director, Department of Economic and Community Affairs, 4545 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, 405/528–8200

Oregon

Mr. Robert Montgomery, Administrator, Intergovernmental Relations Division, 155 Cottage Street, N.E., Salem, Oregon 97310, 503/378–2887

Pennsylvania

Mr. Robert Benko, Governor's Office of Policy and Planning, Rm. 506, Finance Bg., Harrisburg, Pennsylvania 17120, 717/787–2086

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Wisconsin

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Puerto Rico

Ms. Sheila Borges, Director, Office of Federal Affairs, Office of the Governor, La Fortaleza, San Juan, P.R. 00901, 809/724–7900

Northern Mariana Islands

Mr. Manuel Sablan, Director, Planning and Budget, Office of the Governor, Saipan, N. Mariana Islands 96950

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Part IV

Department of Education

34 CFR Parts 624 and 628

Institutional Aid Programs; Endowment Grant Program; Final Regulations With Comments Invited

DEPARTMENT OF EDUCATION

34 CFR Parts 624 and 628

Institutional Aid Programs; Endowment Grant Program

AGENCY: Department of Education.

ACTION: Final regulations with comments invited.

SUMMARY: The Secretary issues final regulations to amend the Institutional Aid Programs General Provisions. The Secretary also issues final regulations for the Endowment Grant Program and invites comments on how the regulations might be improved. The regulations are necessary to implement the Endowment Grant Program, authorized by section 333 of Title III of the Higher Education Act of 1965 (HEA), as amended by the Challenge Grant Amendments of 1983, Pub. L. 98–95.

EFFECTIVE DATES: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments, with the exception of § 628.30 through § 628.33 and § 628.47. Sections 628.30 through 628.33 and § 628.47 will become effective following the Education Department's submission and the Office of Management and Budget's (OMB) approval of reporting requirements contained in those sections under the Paperwork Reduction Act of 1980. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

DATE: Comments must be post-marked on or before September 30, 1984.

ADDRESS: Comments should be addressed to Mr. Thomas Keyes, Institutional Aid Programs, U.S. Department of Education, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Keyes, (202) 245–2384.

SUPPLEMENTARY INFORMATION:

A. Background

The Endowment Grant Program is one of four programs authorized by Title III of the HEA and known collectively as the Institutional Aid Programs. The other three are the Strengthening, Special Needs, and Challenge Grant Programs. They provide financial assistance: (1) To help eligible institutions of higher education solve problems that threaten their ability to survive; and (2) to stabilize their management and fiscal operations so that they may achieve self-sufficiency.

Under the Endowment Grant Program, the Secretary awards grants to eligible institutions of higher education: (1) To establish or increase endowment funds; (2) to provide additional incentives for fund-raising; and (3) to foster their increased independence and self-sufficiency. Grantees must match the Federal grant funds dollar-for-dollar. The Federal grant and the institutional match is called the "endowment fund corpus." Institutions must invest and may not spend the endowment fund corpus for the 20 year grant period. Afterwards, the institution may use the endowment fund corpus for any educational purpose.

In general, a grantee may spend up to 50 percent of endowment fund income earned prior to the date of each proposed expenditure. Endowment fund income is the value of the endowment fund minus the endowment fund corpus. A grantee may use that 50 percent portion of endowment fund income to defray any expenses necessary to operate the institution. A grantee must invest the other 50 percent portion of endowment fund income for the 20 year grant period. Afterward, the grantee may use all income for any educational purpose.

In the preamble to the proposed regulations, 49 FR 8184, 8185, the Secretary indicated that he recognized that it may be difficult for institutions selected to receive endowment grants to raise their required matching funds during the application and selection period. Accordingly, the Administration has submitted proposed legislation to the Congress to permit funds appropriated for the Endowment Grant Program to remain available until expended. The Congress has not yet acted on this proposal. Section 628.41(b) of the regulations includes the eighteen month fund-raising period included in § 628.41(b) of the proposed regulations in anticipation of congressional approval of the Administration request.

B. Summary of Comments, Responses, and Changes

The Secretary published a notice of proposed rulemaking for the Endowment Grant Program in the **Federal Register** on March 5, 1984 (49 FR 8184–8190) and allowed 40 days for interested persons to comment. Eighty-six individuals, institutions, groups or associations commented.

A summary of the comments and the Secretary's response to them is contained in the Appendix following the regulations.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria for major regulations established in the Order.

Invitation To Comment

Although the Secretary publishes these regulations as final, the Secretary invites further comments on ways to improve them. The Secretary recognizes that limitations on available data and a strict timetable which must be met in order for a competition to be conducted in this fiscal year have constrained commenters' ability to assess the effect of the various factors in the selection criteria and priorities (§ 628.31 and § 628.32) that the Secretary will use in evaluating applications. The Secretary agrees with several commenters that the factors are complex and that their interactions are difficult to predict.

The Secretary, then, publishes these regulations as final with the intent of carefully reviewing the effects of the selection criteria and priorities on the basis of data submitted by fiscal year 1984 applicants and comments submitted by interested persons.

Interested persons may send comments to the address given at the beginning of this document until September 30, 1984. The Secretary will consider all of these comments if the regulations are revised for future competitions.

All comments submitted in response to these regulations will be available for public inspection during and after the comment period in Room 3045, Regional Office Building 3, 7th and D Streets SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Paperwork Reduction Act of 1980

Information collection requirements contained in these regulations (§ 628.30 through § 628.33 and § 628.47) must be approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and must be assigned an OMB control number. Information collection requirements contained in these

regulations at § 628.30 through § 628.33 and § 628.47 will become effective after the Education Department's submission and OMB's approval.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require submission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, the Secretary has determined that the regulations in this document do not require information that is already being gathered by or is available from any other agency or authority of the United States.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

List of Subjects in 34 CFR Parts 624 and 628

Colleges and universities, Education, Grant Programs—Education.

(Catalog of Federal Domestic Assistance Number 84.031 Institutional Aid Programs)

Dated: July 6, 1984.

T.H. Bell,

Secretary of Education.

The Secretary amends Part 624 and adds a new Part 628 to Title 34 of the Code of Federal Regulations as follows:

PART 624—INSTITUTIONAL AID PROGRAMS—GENERAL PROVISIONS

1. In § 624.1, paragraph (b)(4) is added to read as follows:

§ 624.1 Institutional Aid Programs.

* * * * *

(b) * * *

(4) The Endowment Grant Program (34 CFR Part 628).

* * * * *

2. In § 624.5, paragraph (c) is revised to read as follows:

§ 624.5 Regulations that apply to the Institutional Aid Programs.

* * * * *

(c) The regulations in 34 CFR Parts 625, 626, 627, or 628, as applicable.

* * * * *

3. Section 624.10 is revised to read as follows:

§ 624.10 Types of grants.

The Secretary awards three principal types of grants under the Institutional Aid Programs:

(a) Planning grants, as described in § 624.11.

(b) Development grants, as described in § 624.12.

(c) Endowment grants, as described in § 628.10.

(20 U.S.C. 1057, 1059, 1060, 1062, 1064 and 1065a)

4. A new Part 628 is added to read as follows:

PART 628—ENDOWMENT GRANT PROGRAM

Subpart A—General

Sec.

Subpart B—What Type of Grant Does the Secretary Award Under the Endowment Grant Program?

Subpart C—How Does an Eligible Institution Apply for an Endowment Grant?

Subpart D—How Does the Secretary Award an Endowment Grant?

Subpart E—What Conditions Must a Grantee Meet Under the Endowment Grant Program?

Authority: Secs. 333 and 341–347 of Title III of the Higher Education Act of 1965 (20 U.S.C. 1065a, 1066–1069c) unless otherwise noted.

Subpart A—General

§ 628.1 What are the purposes of the Endowment Grant Program?

The Endowment Grant Program provides endowment grants, which must be matched dollar-for-dollar, to eligible institutions of higher education to—

(a) Establish or increase endowment funds;

(b) Provide additional incentives to promote fund-raising activities; and

(c) Foster increased independence and self-sufficiency at those institutions.

(20 U.S.C. 1065a)

§ 628.2 Which institutions of higher education are eligible to apply for an endowment grant?

An institution of higher education, including a branch campus, is eligible to apply for an endowment grant if it qualifies as an eligible institution as defined in 34 CFR 627.2 (a)(1), (b) or (d) of the Challenge Grant Program regulations.

(20 U.S.C. 1065a)

§ 628.3 Under what conditions may an eligible institution designate a foundation as the recipient of an endowment grant?

An eligible institution may designate a foundation, which was established for the purpose of raising money for that institution, as the recipient of an endowment grant if—

(a) The institution assures the Secretary in its application that the foundation is legally authorized to receive the endowment fund corpus and to administer the endowment fund in accordance with the regulations in this part;

(b) The foundation agrees to administer the endowment fund in accordance with the regulations in this part; and

(c) The institution agrees to be liable for any violation by the foundation of any applicable regulation, including any violation resulting in monetary liability.

(20 U.S.C. 1065a(a)(6))

§ 628.4 How often is an institution eligible to receive an endowment grant?

(a) Subject to the limitations in paragraphs (b) and (c) of this section, an eligible institution may receive an endowment grant even if it has previously received an endowment grant in another fiscal year.

(b) An institution may receive an endowment grant in no more than two fiscal years out of any five consecutive fiscal years.

(c) An institution may not receive an endowment grant if, at the time the Secretary selects it to receive a grant, it is still obtaining funds to match a previous endowment grant.

(20 U.S.C. 1065a(a)(4)(B))

§ 628.5 What regulations apply to the Endowment Grant Program?

(a) The following regulations apply to the Endowment Grant Program:

(1) The regulations in 34 CFR 624.1 through 624.3, 624.6, 624.10, 624.20, 624.22, and 624.40.

(2) The regulations in 34 CFR 625.2, 626.2, and 627.2.

(3) The regulations in this Part 628.

(b)(1) The following regulations in the Education Department General Administrative Regulations (EDGAR) apply to the Endowment Grant Program:

(i) The regulations in 34 CFR 74.62(h).

(ii) The regulations in 34 CFR 74.80 through 74.85.

(iii) The regulations in 34 CFR 75.100 through 75.102, and 75.217.

(iv) The regulations in 34 CFR Part 78.

(2) Except as specifically indicated in paragraph (b)(1) of this section, the Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74 through 77 and Part 79 do not apply.

(20 U.S.C. 1065a)

§ 628.6 What definitions apply to the Endowment Grant Program?

In addition to the definitions in 34 CFR 624.6, the following definitions apply to the regulations in this part:

"Endowment fund" means a fund which excludes real estate and which is established by State law, by an institution of higher education, or by a foundation that is exempt from taxation and is maintained for the purpose of generating income for the support of the institution of higher education. The principal or corpus of the fund may not be spent. "Endowment fund" includes "quasi-endowment fund".

"Endowment fund corpus" means an amount equal to the endowment grant or grants awarded under this part plus matching funds provided by the institution equal to the amount of the grant or grants.

"Endowment fund income" means an amount equal to the market value of the endowment fund established under the grant minus the endowment fund corpus.

"Institution of higher education" means an institution of higher education as defined in section 1201 of the Higher Education Act as modified by sections 312 and 322 of the HEA.

"Quasi-endowment fund" means a fund which the governing board of an institution or foundation establishes to function as an endowment in that the principal is to be retained and invested. However, the entire principal and income may be spent at any time at the discretion of the governing board.

(20 U.S.C. 1065a)

Subpart B—What Type of Grant Does the Secretary Award Under the Endowment Grant Program?

§ 628.10 What are the characteristics of an endowment grant?

Each endowment grant awarded by the Secretary under this part—

(a) Must be matched dollar-for-dollar and invested by an institution;

(b) May range from $50,000 to $250,000 in fiscal year 1984, and from $50,000 to $500,000 in subsequent fiscal years; and

(c) May cover a grant period of up to twenty years.

(20 U.S.C. 1065a)

Subpart C—How Does an Eligible Institution Apply for an Endowment Grant?

§ 628.20 What shall an applicant include in an application for an endowment grant?

(a) An applicant shall state in its application the amount of the endowment grant it is requesting and shall include information sufficient for the Secretary to—

(1) Evaluate the application under the selection criteria set forth in § 628.31 and the priorities set forth in § 628.32; and

(2) Determine whether the applicant will administer the endowment grant in accordance with the regulations in this part.

(b) An applicant shall include a long-range plan containing the elements required in 34 CFR 624.22 if, at the closing date established by the Secretary for submission of endowment grant applications, the applicant is not—

(1) A recipient of a development grant under the Strengthening, Special Needs, or Challenge Grant Programs;

(2) An applicant for a development grant under the Strengthening or Special Needs Programs; or

(3) An applicant for a Strengthening Program planning grant solely to develop an application for a development grant.

(20 U.S.C. 1065a)

Subpart D—How Does the Secretary Award an Endowment Grant?

§ 628.30 How does the Secretary evaluate an application for an endowment grant?

(a)(1) The Secretary reviews a long-range plan under § 628.20(b) to determine whether the plan—

(i) Contains all elements required in 34 CFR 624.22;

(ii) If implemented, would lead to self-sufficiency of the institution;

(iii) Identifies the major problems or deficiencies that prevent the applicant institution from becoming self-sufficient; and

(iv) Proposes effective strategies to overcome each problem or deficiency.

(2) The Secretary does not evaluate an application for an endowment grant from an institution identified in § 628.20(b) unless the applicant's long-range plan satisfies all of the criteria in paragraph (a)(1) of this section.

(b) In evaluating an application for an endowment grant, the Secretary—

(1) Judges the application using the selection criteria in § 628.31 and the priorities in § 628.32;

(2) Gives, for each criterion and priority, a score up to the maximum possible points in parentheses following the description of that criterion or priority; and

(3) Gives up to 130 total points, 90 points maximum for the criteria in § 628.31, and 40 points maximum for the priorities in § 628.32.

(c) In selecting recipients for grants, the Secretary follows the procedures in 34 CFR 75.217 of the Education Department General Administrative Regulations.

(20 U.S.C. 1065a)

§ 628.31 What selection criteria does the Secretary use in evaluating an application for an endowment grant?

In evaluating an application for an endowment grant, the Secretary uses the following three criteria:

(a) The Secretary measures the applicant's past efforts to build or maintain its existing endowment and quasi-endowment funds by the dollar and relative increase in market value to the applicant's existing endowment and quasi-endowment funds over the applicant's four fiscal years preceding the year of application using the formulas set forth in paragraphs (a)(1) through (a)(5) of this section.

(1) In measuring an applicant's dollar increase in its endowment and quasi-endowment funds, the Secretary—

(i) Subtracts from an amount equal to the market value of the applicant's endowment and quasi-endowment funds at the end of the four-year period described in paragraph (a) of this section an amount equal to the market value of the applicant's endowment and quasi-endowment funds at the beginning of that four-year period; and

(ii) Divides the result obtained in paragraph (a)(1)(i) of this section by the applicant's full-time equivalent enrollment at the end of the four-year period.

(2) The Secretary awards points on a sliding scale giving 10 points to applicants with the highest dollar increase as calculated in paragraph (a)(1) of this section and no points to applicants with the lowest dollar increase.

(3) In measuring an applicant's relative increase in market value of its endowment and quasi-endowment funds, the Secretary—

(i) Divides an amount equal to the market value of the applicant's endowment and quasi-endowment funds at the beginning of the four-year period described in paragraph (a) of this section by the applicant's full-time equivalent enrollment at the end of the four-year period.

(ii) Adds $50 to the amount obtained in paragraph (a)(3)(i) of this section.

(iii) Divides the result obtained in paragraph (a)(1)(ii) of this section by the amount obtained in paragraph (a)(3)(ii) of this section.

(4)(i) If the change in endowment per full-time equivalent student for the four-year period under paragraph (a)(3) of this section is $50 or more, the Secretary awards points on a sliding scale giving 15 points to applicants with a relative increase of 100 percent or more and no points to applicants that have had a relative decrease of more than 20 percent.

(ii) If the change in endowment per full-time equivalent student for the four-year period under paragraph (a)(3) of this section is less than $50, the Secretary awards points on a sliding scale giving 15 points to applicants with a relative increase of 100 percent or more and no points to applicants that have had no relative increase.

(5) In measuring the applicant's past effort, the Secretary—

(i) Excludes real estate from being considered as part of the applicant's existing endowment or quasi-endowment fund; and

(ii) Includes an endowment or quasi-endowment fund operated by a foundation if the foundation is tax-exempt and was established for the purpose of raising money for the institution.

(b) The Secretary considers the degree of proposed nongovernmental matching funds. (Total: 15 points maximum for the highest proposed percentage)

(1) The Secretary measures the degree to which an applicant proposes to match the grant with funds from sources other than a State or local government—giving up to 15 points to applicants proposing to obtain the largest percentage of matching funds from those nongovermental sources.

(2) If an applicant is applying for an endowment grant for the first time, the Secretary multiplies the maximum number of points (i.e., 15 points) on this criterion times the following fraction:

$$\frac{\text{Amount of matching funds proposed from nongovernmental sources}}{\text{Total proposed amount of matching funds}}$$

(3) If an applicant has previously received an endowment grant, the Secretary uses the following formula in awarding points under this criterion:

$$\frac{\text{Amount of matching funds proposed from nongovernmental sources}}{\text{Total proposed amount of matching funds}} \times \frac{\text{Amount of matching funds from nongovernmental sources actually raised under previous endowment grant}}{\text{Amount of matching funds proposed to be raised from nongovernmental sources under the previous endowment grant}} \times 15 \text{ points} = \text{Points on this criterion}$$

(c) The Secretary considers the need for an endowment grant as measured by the applicant's lack of resources.

(1) The Secretary gives up to 50 points to applicants with the least resources as measured, at the end of the applicant's fiscal year preceding the year it applies for an endowment grant, by revenue per full-time equivalent student it receives from the sum of the following—

(i) Federal, State and local government appropriations;

(ii) Unrestricted Federal, State and local government grants and contracts;

(iii) Eighty percent of tuition and fees; and

(iv) Unrestricted and restricted "endowment income".

(2) In measuring the applicant's resources, the Secretary—

(i) Defines the factors in paragraph (c)(1)(i) through (iv) as they are defined in the Education Department Higher Education General Information Survey of Financial Statistics.

(ii) Excludes real estate from being considered as part of the applicant's existing endowment or quasi-endowment fund.

(20 U.S.C. 1065a)

§ 628.32 What funding priorities does the Secretary use in evaluating an application for an endowment grant?

In evaluating an endowment grant application, the Secretary uses the following two priorities:

(a) *Recipient of Strengthening or Special Needs Program grant.* (Total: 20 points) The Secretary gives 20 points to each applicant that, on October 1 of the fiscal year in which the applicant is applying for an endowment grant, is a recipient of a development or planning grant under the Strengthening or Special Needs Programs.

(b) *Need for an endowment grant as measured by the lack of endowment funds.* (Total: 20 points)

(1) The Secretary gives up 20 total points to an applicant with the greatest need for an endowment grant under this part, as measured by the applicant's lack of endowment funds.

(2) The Secretary gives up to 20 points to the applicant with the lowest market value, at the end of the applicant's fiscal year preceding the year it applies for an endowment grant, of its existing endowment and quasi-endowment fund in relation to the number of full-time equivalent students enrolled at the institution in the fall of the year preceding the year it applies for an endowment grant.

(3) In measuring the applicant's need for an endowment grant, the Secretary excludes real estate from being considered as part of the applicant's existing endowment or quasi-endowment fund.

(20 U.S.C. 1065a)

§ 628.33 What amount of available funds under the Endowment Grant Program does the Secretary award to certain types of institutions?

With funds transferred from the Special Needs Program to the Endowment Grant Program, the Secretary awards endowment grants so that the amounts required (under 34 CFR 626.31 (a) and (b) of the Special Needs Program regulations) to be awarded to junior or community colleges and to institutions with special needs that have historically served substantial numbers of black students are so awarded.

(20 U.S.C. 1065a, 1069c)

Subpart E—What Conditions Must a Grantee Meet Under the Endowment Grant Program?

§ 628.40 What are the restrictions on the amount of an endowment grant?

(a) In order to receive an endowment grant, an institution must raise at least $50,000 in matching funds and qualify for at least a $50,000 grant under paragraph (c) of this section.

(b) If an institution obtains at least $50,000 in matching funds and raises all the nongovernmental funds it proposed to raise in its application, the institution may receive a grant equal to the total amount of matching funds it raises up to the maximum grant amount of $250,000 in fiscal year 1984 and $500,000 in future fiscal years.

(c) If an institution does not raise all the nongovernmental funds it proposed to raise in its application, the Secretary reduces its maximum grant by multiplying the grant amount requested by the following fraction:

$$\frac{\text{Amount of matching funds raised from nongovernmental funds}}{\text{Amount of matching funds proposed to be raised from nongovernmental funds.}}$$

(20 U.S.C. 1065a)

§ 628.41 What are the obligations of an institution that the Secretary selects to receive an endowment grant?

(a) An institution that the Secretary selects to receive an endowment grant shall—

(1) Enter into an agreement with the Secretary to administer the endowment grant;

(2) Establish an endowment fund independent of any other endowment fund established by or for that institution;

(3) Deposit its matching funds in the endowment fund established under this part;

(4) Upon receipt, immediately deposit the grant funds into the endowment fund established under this part; and

(5) Within fifteen working days after receiving the grant funds, invest the endowment fund corpus.

(b) Before the Secretary disburses grant funds and not later than eighteen months after being notified that it has been selected to receive a grant, an institution shall—

(1) Match dollar-for-dollar, with cash or low-risk securities, the endowment grant funds to be received under this part;

(2) Certify to the Secretary—

(i) The source, kind and amount of the eligible matching funds;

(ii) That the matching funds are eligible under paragraph (b)(1) of this section and § 628.42; and

(3) Have a certified public accountant or other licensed public accountant, who is not an employee of the institution, certify that the data contained in the application is accurate.

(c)(1) For the purpose of paragraph (b)(1) of this section, "cash" may include cash on hand, certificates of deposit and money market funds; and

(2) A negotiable security, to be considered as part of the institution's match—

(i) Must be low-risk as required in § 628.43; and

(ii) Must be assessed at its market value as of the end of the trading day on the date the institution deposits the security into the endowment fund established under this part.

(20 U.S.C. 1065a)

§ 628.42 What may a grantee not use to match an endowment grant?

To match an endowment grant, a grantee may not use—

(a) A pledge of funds or securities;

(b) Deferred gifts such as a charitable remainder annuity trust or unitrust;

(c) Any Federal funds;

(d) Any borrowed funds; or

(e) The corpus or income of an endowment fund or quasi-endowment fund existing at the closing date established by the Secretary for submission of eligibility requests under the Endowment Grant Program. This includes the corpus or income of an endowment or quasi-endowment fund established by a foundation if the foundation is tax-exempt and was established for the purpose of raising money for the institution.

(20 U.S.C. 1065a)

§ 628.43 What investment standards shall a grantee follow?

(a) A grantee shall invest, for the duration of the grant period, the endowment fund established under this part in savings accounts or in low-risk securities in which a regulated insurance company may invest under the law of the State in which the institution is located.

(b) When investing the endowment fund, the grantee shall exercise the judgment and care, under the circumstances, that a person of prudence, discretion and intelligence would exercise in the management of his or her own financial affairs.

(c) An institution may invest its endowment fund in savings accounts permitted under paragraph (a) of this section such as—

(1) A federally insured bank savings account;

(2) A comparable interest bearing account offered by a bank; or

(3) A money market fund.

(d) An institution may invest its endowment fund in low-risk securities permitted under paragraph (a) of this section such as—

(1) Certificates of deposit;

(2) Mutual funds;

(3) Stocks; or

(4) Bonds.

(e) An institution may not invest its endowment fund in real estate.

(20 U.S.C. 1065a)

§ 628.44 When and for what purposes may a grantee use the endowment fund corpus?

(a)(1) During the grant period, a grantee may not withdraw or spend any part of the endowment fund corpus.

(2) If, during the grant period, a grantee withdraws or spends all or part of the endowment fund corpus, it must repay to the Secretary an amount equal of 50 percent of the amount withdrawn or spent plus the income earned on that amount.

(b) At the end of the grant period, the institution may use the endowment fund corpus for any educational purpose.

(20 U.S.C. 1065a)

§ 628.45 How much endowment fund income may a grantee use and for what purposes?

(a) During the endowment grant period, a grantee—

(1) May withdraw and spend up to 50 percent of the total aggregate endowment fund income earned prior to the date of expenditure;

(2) May spend the endowment fund income for—

(i) Costs necessary to operate the institution, including general operating and maintenance costs;

(ii) Costs to administer and manage the endowment fund; and

(iii) Costs associated with buying and selling securities, such as stockbroker commissions and fees to "load" mutual funds;

(3) May not use endowment fund income for—

(i) A school or department of divinity or any religious worship or sectarian activity;

(ii) An activity that is inconsistent with a State plan for desegregation of higher education applicable to the grantee; or

(iii) An activity that is inconsistent with a State plan of higher education applicable to the grantee; and

(4) May not withdraw or spend the remaining 50 percent of the endowment fund income.

(b) Notwithstanding paragraph (a)(1) of this section, the Secretary may permit a grantee that requests to spend more than 50 percent of the total aggregate endowment fund income to do so if the grantee demonstrates that the expenditure is necessary because of—

(1) A financial emergency such as a pending insolvency or temporary liquidity problem;

(2) A situation threatening the existence of the institution such as destruction due to a natural disaster or arson; or

(3) Another unusual occurrence or demanding circumstance, such as a judgment against the institution for which the institution would be liable.

(c) If, during the granting period, a grantee spends more endowment fund income or uses it for purposes other than permitted under paragraphs (a) or (b) of this section, it shall repay to the Secretary an amount equal to 50 percent of the amount improperly spent.

(d) At the end of the grant period, the institution may use all of the endowment fund income for any educational purpose.

(20 U.S.C. 1065a and 1069b)

§ 628.46 How shall a grantee calculate the amount of endowment fund income that it may withdraw and spend?

A grantee shall calculate the amount of endowment fund income that it may withdraw and spend at a particular time as follows:

(a) On each date that the grantee plans a withdrawal of income, it must—

(1) Determine the value of endowment fund income by subtracting the endowment fund corpus from the current market value of the endowment fund on that date; and

(2) Calculate the amount of endowment fund income previously withdrawn from the endowment fund.

(b) If the value of endowment fund income in the endowment fund exceeds the aggregate amount of previously withdrawn endowment fund income, the grantee may withdraw and spend up to 50 percent of that excess fund income.

(20 U.S.C. 1065a)

§ 628.47 What shall a grantee record and report?

A grantee shall—

(a) Keep records of—

(1) The source, kind and amount of matching funds;

(2) The type and amount of investments of the endowment fund;

(3) The amount of endowment fund income; and

(4) The amount and purpose of expenditures of endowment fund income;

(b) Retain each year's records for a minimum of five years after the grant period ends;

(c) Allow the Secretary access to information that the Secretary judges necessary to audit or examine the records required in paragraph (a) of this section;

(d) Carry out the audit required in 34 CFR 74.62(h);

(e) Provide to the Secretary a copy of the external or internal audit to be performed at least every two years under 34 CFR 74.61(h); and

(f) Submit reports on a timely basis that are requested by the Secretary.

(20 U.S.C. 1065a; 1232f)

§ 628.48 What happens if a grantee fails to administer the endowment grant in accordance with applicable regulations?

(a) The Secretary may, after giving the grantee notice and an opportunity for a hearing, terminate an endowment grant if the grantee—

(1) Spends any portion of the endowment fund income permitted to be spent in § 628.45;

(2) Spends endowment fund income in violation of § 628.45(a))(3) (i) through (iii);

(3) Fails to invest the endowment fund in accordance with the investment standards set forth in § 628.43; or

(4) Fails to meet the requirements in § 628.41.

(b) If the Secretary terminates a grant under paragraph (a) of this section, the grantee must return to the Secretary an amount equal to the sum of the original endowment grant or grants plus the income earned on that sum.

(20 U.S.C. 1065a)

[Note.— This Appendix will not appear in the Code of Federal Regulations.]

Appendix A—Summary of Comments and Responses

The Secretary summarizes below the public comments and his responses to them, including any substantive changes in the final regulations. Comments and responses appear in the same sequential order as the provisions in the final regulations. Parentheses surround those section numbers that appeared in the proposed regulations but have now been renumbered, retitled, or deleted in these final regulations.

The Secretary has also made various technical and editorial changes in the final regulations.

General Comments

A great number of comments concerned statutory requirements. These comments addressed: the definition of "endowment fund"; the awarding of extra points to current grantees under the Strengthening or Special Needs Program; a priority for the *need* for endowment which contrasts with points being given to applicants which have historically shown strong *effort* in building or maintaining endowment funds; the absence of a set-aside of funds or preference in selecting grantees based on geographic regions; the penalty for institutions which use part of the endowment corpus; the cap on the amount of endowment fund income which may be spent by the grantee; and the maximum grant award of $250,000 in fiscal year 1984.

Other commenters made suggestions that are not authorized under the statute. These included: A restriction that the maximum grant award to public grantees be one-half the maximum to private grantees; that private institutions or Historically Black Colleges and Universities should be given preference or more points under the selection criteria; that priority be given to all past grantees or to all present and past eligible institutions; that 50–70% of the funds be set aside for private colleges; that grantees be required to raise more than one matching dollar for every Federal dollar; that small institutions should not be allowed to spend any endowment fund income from the program.

Response. No change is made in the regulations. The provisions referred to by the commenters are statutory requirements and the other suggestions from commenters are not authorized under the statute. Thus, the suggested changes may not be accomplished by regulations.

Comment. One commenter suggested that the regulations particularly the selection criteria and investment procedures—be simplified because the burden of processing paper has increased and personnel at institutions of higher education have decreased.

Response. No change is made in the regulations. The Secretary believes that these provisions are necessary as currently worded. If interested parties

have specific recommendations for further simplification, they should send their comments to the address given at the beginning of these regulations. The Secretary will consider those comments if he revises the regulations for future competitions.

Comment. Two commenters urged that the final regulations be printed as soon as possible to allow for sufficient time to prepare an application and to obtain matching funds.

Response. No change is made in the regulations. The Secretary intends to allow sufficient time for both of these tasks.

Comments Responding To Secretary's Request

In the notice of proposed rulemaking, the Secretary requested comments on two specific topics. The first related to whether the Secretary should establish interim fund-raising goals so that the Secretary would not have to wait until the entire fund-raising period expired before awarding unmatched endowment grant funds to other institutions. The second concerned a tie-breaking mechanism in the awarding of grants. Numerous comments were received on these two topics.

1. Interim Fund-Raising Goals

Comment. Many comments were made on whether a provision should be added to the final regulations which would establish interim fund-raising goals to avoid situations where the entire fund-raising period must expire before unmatched funds could be awarded to other institutions. Fourteen commenters were against adding such a provision.

They stated that fund-raising often involves a "bandwagon" phenomenon. One donor gives and that motivates a peer to give. This takes time and often means that most donations are received in the latter part of a campaign. Also, fund-raising involves "peak periods." If a peak period falls at the end of the 18-month fund-raising period, an institution, for example, may show zero for 16 months and then $200,000 in the next two months.

Eight commenters favored the setting of interim fund-raising goals. They believed that interim goals would be an incentive toward early fund-raising efforts. A grantee would know of these interim goals at the beginning of the fund-raising period and that would force institutions to plan well. If the grantees could not raise all proposed matching funds by the date agreed upon, it would be fair and equitable to award the funds to the next institution on the rank-order list.

One commenter wanted early announcement of interim fund-raising goals and another wanted the goals to be set late in the fund-raising period. Another commenter thought that quarterly reports on fund-raising efforts should be evaluated in addition to evaluating the amount of matching funds on hand after a certain period.

Response. No change is made in the regulations. The Secretary has decided against establishing interim fund-raising goals. The Secretary agrees with the commenters that fund-raising is not an exact science and that momentum often increases as fund-raising deadlines approach. For these reasons, it is virtually impossible for the Secretary to know for certain whether an institution will meet its fund-raising goals before the final deadline. The Secretary believes it would be arbitrary, then, to set interim fund-raising goals.

2. How the Secretary Breaks Ties

Comment. The Secretary received many comments regarding procedures for breaking ties among applicants. Twelve commenters favored the first procedure (proposed § 628.30(d)) of giving the most points to institutions which raise more matching funds before the Secretary selects grantees. Two commenters favored this procedure on the condition that the Secretary give more time for fund-raising. Three commenters favored the second procedure, described in the preamble to the proposed regulations, of adding one dollar to the reported amount of endowment funds and dividing that amount by the full-time equivalent student enrollment. This procedure avoids ties where institutions report zero current endowment. Fourteen commenters favored the Third procedure, described in the preamble to the proposed regulations, of selecting the institutions with the lowest education and general expenditures per full-time equivalent undergraduate student. Fifteen commenters proposed that preference be given to those institutions with the largest percentage of students receiving Pell Grants. Two commenters suggested that funds simply be split among institutions in a tie. One commenter suggested preference should be given to the institution with the best fund-raising ability proven over the last five years and another said preference should be given to institutions with a balanced budget.

Response. A change is made in the regulations. The Secretary intends to avoid ties by raising the maximum number of criteria and priority points from 100 to 130 and by carrying out calculations of applicant scores to a number of decimal places when assigning points under the selection criteria and priorities in §§ 628.31 and 628.32. Thus, the Secretary has deleted the tie-breaking procedure that was in § 628.30(d) of the proposed regulations.

Other Comments and Responses and Changes

Section 628.2 Eligibility.

Comment. One commenter asked for help in understanding the eligibility requirements for the Endowment Grant Program (§ 628.2).

Response. No change is made in the regulations. An institution of higher education is eligible to apply for a grant under the Endowment Grant Program if it qualifies as an eligible institution as defined in 34 CFR 627.2(a)(1), (b), or (d) of the Challenge Grant Program regulations. Those regulations, in turn, allow an institution to apply for a grant if it qualifies as an eligible institution under the Strengthening Program (34 CFR 625.2) or Special Needs Program (34 CFR 626.2). In effect, this means that an institution that can qualify as an eligible institution under the Strengthening or Special Needs Programs can qualify for the Endowment Grant Program.

Section 628.4 Frequency of Awards.

Comment. One commenter asked how to determine the five-year period during which an institution may not receive an endowment grant in more than two fiscal years.

Response. No change is made in the regulations. If an institution receives an endowment grant, it may receive only one additional grant in the next four years. If it receives a second grant, the five-year period covers the four preceding years and four subsequent years or any combination of five years with the year of the award included.

Comment. One commenter asked whether a grantee may receive an endowment grant while still obtaining funds to match a prior endowment grant.

Response. A change is made in the regulations. Under § 628.4(c), the Secretary will not award an endowment grant to an institution which, at the time it is selected to receive the grant, is still obtaining funds to match a previous endowment grant.

The Secretary will not award another grant because the Secretary believes that an institution is not likely to be able to match another grant since it is still obtaining funds to match a previous endowment grant.

Section 628.6 Definitions.

Comment. One commenter asked for a definition of "institution of higher education."

Response. A change is made in the regulations. The definition of "institution of higher education" is contained in section 1201 of the Higher Education Act as modified by sections 312 and 322 of the Higher Education Act. The Secretary now refers to that definition in the final regulations.

Comment. One commenter asked whether "endowment fund" refers only to funds which have been designated by their donors as endowed and whose principal may not be used for any purpose other than generating income.

Response. A change is made in the regulations. The Secretary agrees with the commenter that endowment funds are funds designated by a donor as endowed and whose prinicpal may not be spent. Accordingly, the Secretary has incorporated that concept in the definition of endowment fund in § 628.6.

The Secretary also specifies that "endowment fund" includes a "quasi-endowment fund"—a fund that the governing board of an institution designates to be retained and invested, but a fund that may be spent at any time at the discretion of the governing board. The Secretary has included a "quasi-endowment fund" as part of the definition of "endowment fund" because quasi-endowment funds are essentially funds functioning as an endowment.

Comment. Two commenters asked whether all interest-earning funds of the college or designated foundation are to be counted in calculating need in §628.32(b) and in calculating effort in § 628.31(a). The commenters also asked whether all interest-earning funds are ineligible as matching funds under § 628.42(e).

Response. Changes are made in the regulations. As already explained, the Secretary has included "quasi-endowment funds" as part of the definition of "endowment fund." This—as well as attendant changes to include "quasi-endowment" in § 628.32(b)(2) and § 628.31(a) and (c)—should make it clear that applicants are to include only endowment and quasi-endowment funds, not all interest-bearing funds, in calculating their need and effort figures. In addition, the Secretary has added the provision that endowment and quasi-endowment funds that an institution possesses at the deadline date for receipt of eligibility requests do not qualify as eligible matching funds under § 628.42(e). The Secretary bases these changes on the fact that since the definition of "endowment fund" includes "quasi-endowment funds," it would be inconsistent not to have them included when applicants calculate their need and effort figures in § 628.32(b)(2) and § 628.31 (a) and (c).

Comment. One commenter suggested that the definition of "endowment fund" exclude borrowed funds since borrowed funds are a feature of some endowment funds and also since the Secretary excludes borrowed funds as eligible for matching in § 628.42(d).

Response. No change is made in the regulations. Under § 628.31(a), the Secretary measures an applicant's past effort to build or maintain its endowment and quasi-endowment fund. Under § 628.32(c) and § 628.32(b), the Secretary measures the applicant's need for an endowment grant. If borrowed funds are part of an institution's endowment fund or quasi-endowment fund, it is proper for the Secretary to include them in these measurements. On the other hand, the Secretary does not allow a grantee to use borrowed funds to match the grant because that would jeopardize an endowment fund established under this program.

Comment. One commenter suggested that the definition of "endowment fund" include deferred gifts such as a charitable remainder annuity trust or a charitable remainder unitrust.

Response. No change is made in the regulation. Standard accounting practice prohibits these funds from being available to the institution or designated foundation. Thus, the Secretary does not consider these funds to be part of an endowment or quasi-endowment fund. Applicants, then, are not to report deferred gifts as part of an endowment or quasi-endowment fund in calculating need under § 628.31(c) and § 628.32(b) or calculating past effort under § 628.31(a).

Section 628.10 Grant Period/Type of Grant.

Comment. Two commenters suggested that the grant period be less than 20 years so that institutional officers would have more immediate incentive for starting an endowment. One commenter suggested that the grant period be terminated at twenty years or whenever the grantee has increased the corpus by an amount equal to the endowment grant. Three commenters asked whether the duration actually will be 20 years or something less.

Response. No change is made in the regulations. While the statute stipulates that the grant period "shall not be more than 20 years," the Secretary plans on awarding grants—at least at the beginning of this program—for 20 years' duration. This is a reasonable period in which to build an endowment and it is a

duration very similar to that required by philanthropic foundations conducting similar endowment-building programs.

Section 628.10 Grant Amount and Number of Awards.

Comment. A number of comments concerned how the Secretary will determine the amount of each award and the number of awards. Two commenters were concerned that the Secretary would award a lesser amount of money than requested by an applicant. The commenters thought that a reduction should not be applied because each applicant should be able to itself assess its fund-raising capability and should be able also to at least try to reach matching funds equal to the request for Federal funds. Another commenter stated that, if the Department did initially reduce the requested amount, it should not reduce it below 50% because anything less would weaken incentives to donors. Another commenter suggested that the Secretary devise a formula using the need priority to determine the initial size of the award if it was going to be less than the initial request. Another commenter suggested that reductions should be based on the institution's track record in fund-raising and its plan for obtaining matching funds.

Three commenters wanted awards to be smaller so that the number of grantees would be larger. Twelve commenters wanted larger awards and fewer grantees—provided that the fund-raising period would be extended to 36 months and applicants be allowed to raise their matching funds in increments.

One commenter stated that there should be consequences for the institution that, in response to the selection criteria in § 628.31(b), proposes to raise a certain percentage of matching funds from nongovernmental sources but fails to meet that percentage. Otherwise, applicants will be tempted to propose a very high percentage of matching funds from nongovernmental sources simply because higher points are given for doing so. While the commenter did not suggest that one of the "consequences" should be related to how the Secretary determines the award amount, it is logical to so relate it. That is why the comment is placed here.

Response. A change is made in the regulations. Section 333 of the authorizing statute and § 628.10 of the regulations provide that each endowment grant may range from $50,000 to $250,000 in fiscal year 1984 and from $50,000 to $500,000 in subsequent fiscal years. The Secretary has added § 628.40 in which he clarifies that a grantee will receive an award equal to the amount it requests and matches, provided that it raises at least $50,000 in matching funds and provided that it raises all the nongovernmental matching funds it proposed to raise in its application. If an institution does not raise all the nongovernmental matching funds it proposed to raise in its application, the Secretary will reduce the grant amount by multiplying the grant amount requested for funding by the following fraction:

$$\frac{\text{Amount of matching funds raised from nongovernmental sources}}{\text{Amount of matching funds proposed to be raised from nongovernmental sources}}$$

Example 1. A grantee requests $200,000 and proposes to raise $180,000 matching funds from nongovernmental sources—sources other than a State or local government—and $20,000 from the State government. It actually raises the $200,000 matching funds of which $180,000 is from nongovernmental sources while $20,000 is from the State government. The Secretary awards the full requested amount—$200,000.

Example. 2. A grantee requests $200,000 and proposes to raise $180,000 matching funds from nongovernmental sources and $20,000 from the State government. It actually raises $150,000 matching funds of which $75,000 is from nongovernmental sources and $75,000 is from the State government. To determine the amount to be awarded, the Secretary multiplies the grant amount requested ($200,000) by the following fraction:

$$\frac{\text{\$75,000 (the amount of matching funds raised from nongovernmental sources)}}{\text{\$180,000 (the amount of funds proposed to be raised from nongovernmental sources).}}$$

In this example,

$$\$200,000 \times \frac{\$75,000}{\$180,000} = \$83,333 \text{ (the amount to be awarded.)}$$

Example. 3. A grantee requests $200,000 and proposes to raise $190,000 from nongovernmental sources and $10,000 from the State government. It actually raises $60,000 matching funds of which $54,000 is from nongovernmental sources and $6,000 is from the State government. To determine the amount to be awarded, the Secretary multiplies the grant amount requested by the following fraction:

$$\frac{\text{\$54,000 (the amount of matching funds raised from nongovernmental sources)}}{\text{\$190,000 (the amount of funds proposed to be raised from nongovernmental sources).}}$$

In this example,

$$\$200,000 \times \frac{\$54,000}{\$190,000} = \$56,842 \text{ (the amount to be awarded.)}$$

The Secretary agrees with the commenter who stated that there should be "consequences" for the institution that fails to raise the amount of nongovernmental matching funds it proposes to raise in its application. The formula, explained above, for reducing the grant amount is equitable because an applicant has received extra points based on its proposing to raise a certain amount of nongovernmental matching funds. If it does not raise those funds, it is reasonable to reduce the amount to be awarded. It would be unfair to deny a lower ranked applicant from receiving funds if the higher ranked applicant that received the grant fails to raise the nongovernmental matching funds it proposed to raise.

Regarding the number of grants to be made, the Secretary cannot realistically regulate such a matter. Rather, the number of grants to be awarded will result from the annual amount of Endowment Grant Program funds available and the Secretary's application of the formula in § 628.40(b).

Section 628.20(b) Long-Range Plan.

Comment. While no specific commenter questioned which applicant had to submit a long-range plan with its application for an endowment grant, two omissions were made in the proposed regulations (§ 628.20(b)).

Response. A change is made in the regulations. The Secretary inadvertently omitted from the proposed regulations the provision that an applicant for a Strengthening Program planning grant that is designed solely to develop an application for a development grant need not send a long-range plan with its application. There would be no need to do so because this type of applicant would already have submitted a long-range plan with its planning grant application. This provision is now included in § 628.20(b)(3). Also, the Secretary omitted stating that institutions shall include a long-range plan if, "at the closing date for submission of endowment grant applications," they do not fall into one of three categories described in § 628.20(b) (1) through (3). The Secretary adds this time qualifier in § 628.20(b) because the rule does not make sense if applicants do not fall into one of those three categories *before* submitting an application for an endowment grant. The Secretary also deletes from the proposed regulations (§ 628.20(b)) the provision that an applicant shall include a long-range plan if it is not already an applicant under the Challenge Grant Program. Since no new awards are anticipated under the Challenge Grant Program, there is no need for this proposed provision.

Section 628.30(b) Selection Criteria.

Comment. One commenter wanted a criterion to be added for assessing the capacity of the applicant institution, or a designated foundation, to manage the Federal funds.

Response. No change is made in the regulations. While the other statutory selection criteria and priorities are objective and relatively easy to measure, this would not be true for a "capacity to manage" criterion. Thus, the Secretary has not added this as a criterion for evaluating applications.

Comment. Several commenters wanted an additional selection criterion by which more points would be given to applicants with high percentages of students from low-income backgrounds or with a high number of students and a high percentage of the total enrollment of students being recipients of Pell Grants.

Response. No change is made in the regulations. Commenters essentially wanted the Secretary to consider the need of the institutions as seen by certain characteristics of the student body. The Secretary agrees with the commenters that the selection criteria should measure the applicants' relative need for an endowment grant. The Secretary, however, has decided for two reasons not to look at the characteristics of the student body when measuring the need for an endowment grant. First, the Secretary already looks at characteristics of the student body when determining eligibility under §§ 625.2 and 626.2 of the Institutional Aid Programs regulations. Second, the Secretary thinks that measuring applicants' relative lack of resources under the added criterion in § 628.31(c) is a better measure of need for an endowment grant than looking further at characteristics of the student body.

Section 628.30(b) Dividing Applications Among Comparable Institutions.

Comment. Several commenters were concerned about the procedure described in § 628.30(b)(2) of the proposed rules where the Secretary would place each application into one of four categories—2- or 4-year public or 2- or 4-year private institutions. Three commenters were concerned about the fairness of dividing the applications before ascribing points under the priorities and selection criteria. The result might be that there would be an informal setaside for each type of institution or an institution might receive a grant because few applications were received in one of the four categories. One commenter was concerned how funds would be distributed among the four categories and another suggested even further subgrouping among the four categories of institutions. One commenter questioned how the lists from the four categories of institutions would be combined into a single rank order list.

Response. A change is made in the regulations. The requirement that the Secretary divides the applications into four categories is deleted from these final regulations. The Secretary believes this procedure is unnecessary and possibly would result in the unfortunate and unintended consequence of an application being funded solely because few applications were received from a certain type of institution.

Section 628.31(a) Effort Criterion.

Comment. Several commenters focused on the fact that the effort criterion in § 628.31(a) contrasts with the need priority in § 628.32(b). Commenters thought that there was something wrong with this, something "inherently contradictory," or that earning points under one factor precluded earning points under the other.

Response. No change is made in the regulations. The Secretary agrees that these two factors are somewhat contradictory, but they are consistent with the statute and cannot be changed. In addition, the two are relative factors. Receiving points under one does not necessarily preclude receiving points under the other. Rather, in most cases, receiving points under one will influence only the relative possible points under the other. The Secretary, then, will look at both factors in a balance determined by the overall possible points for each.

Comment. Several commenters suggested that past effort be measured by the increase in the market value of

endowment funds as well as from gifts or additions due to donations. One commenter suggested that the criterion also include the effort to build quasi-endowment funds since these funds function as endowment in the sense that the board of trustees designates that they are to be retained and invested. One commenter suggested that the increase in the existing endowment fund be divided by the full-time equivalent enrollment since enrollment influences the capacity to raise endowment funds.

Response. A change is made in the regulations. The Secretary agrees with the commenters and, therefore, will include the increase in market value of the endowment fund as part of an institution's past effort as well as the increase in quasi-endowment funds. To better account for the varying size of institutions, the Secretary will also divide the increase by the full-time equivalent enrollment. The Secretary will, then, measure the applicant's effort by the dollar increase per full-time equivalent student and relative increase per full-time equivalent student (not just from gifts or donations as in the proposed regulations) in the market value of its endowment and quasi-endowment funds for the institution's four fiscal years preceding the year of application. This measure is broader than that which was contained in the proposed regulations and the Secretary believes it more thoroughly measures the effort both to build and to maintain endowment funds.

Comment. One commenter thought the fifteen-point maximum for effort was too high and four commenters thought this criterion should receive more possible points.

Response. A change is made in the regulations. The Secretary has raised the maximum on this criterion from 15 to 25 points. This puts a bit more emphasis on the past effort that an applicant has put forth in building and maintaining its endowment while balancing that effort against the need for endowment funds as seen in §§ 628.31(c) and 628.32(b)

Comment. Three commenters wanted more clarity on how points would be applied under the effort criterion. One suggested that point tables be published and another wanted to know the dates of the five-year period for measuring effort.

Response. A change is made in the regulations. The regulations, as written, make it clear that the criterion is a relative one. The highest points, therefore, are given to institutions that have had the greatest success in increasing the market value of their endowment and quasi-endowment funds over the measurement period. Further specifics on how points will be given cannot accurately be established now becaue of a lack of adequate data. The Secretary now uses a four-year measurement period, instead of the proposed five-year period, because more accurate data will be available for that period. the Secretary has also changed the four-year period for measuring effort to the institution's four fiscal years preceding the calendar year in which it applies for an endowment grant, rather than a measurement period beginning and ending on December 31 of different calendar years. Realizing that the fiscal years of institutions vary and realizing that institutions prepare their financial reports at the end of their particular fiscal year periods, the Secretary believes this new provision will considerably reduce regulatory burden on applicants.

Comment. One commenter suggested that the criterion not measure percentage increase of endowment funds as in § 628.31(a)(3) of the proposed regulations. Very large percentage increases would be possible through a relatively small dollar increase if the starting figure is small. Also, there is no way to calculate a percentage increase if the institution had no endowment at the start of the five-year period.

Response. A change is made in the regulations. The Secretary agrees with the commenter's suggestion not to measure a percentage increase of the applicant's endowment funds because a straight percentage increase unfairly benefits the institution starting out with a relatively small market value of endowment funds and also because of the mathematical problem of dividing a number by zero. Thus, the Secretary has substituted a measure of relative increase in the market value of endowment for the measure of percentage increase which was in § 628.31(a)(3) of the proposed regulations. By using a proportion, in § 628.31(a)(2) of these final regulations, establishing by adding $50 to the denominator of the equation, the mathematical perturbations referred to by the commenter are appropriately dampened. Thus, in order to receive the maximum points on this criterion, an institution with no endowment at the beginning of the measurement period would need to raise at least $50 per full-time equivalent student enrolled at the institution before the end of the measurement period.

The Secretary believes this proportion also takes into account, more precisely than the percentage increase of endowment funds in the proposed regulations, the rightful expectation that institutions which start the measurement period with existing endowment funds and, presumably, with a more established fund-raising capacity should be able to raise more funds with a comparable degree of effort than those institutions which start with zero endowment funds. The Secretary has chosen to add $50 rather than $5 or $100, for example, to the denominator in § 628.31(a)(2)(i) because, from an analysis of data on endowments in the Higher Education General Information Survey (HEGIS), he believes the $50 (per full-time equivalent student) amount is a reasonable increase to expect in the measurement period for an institution that is just beginning its endowment-building effort.

The Secretary has chosen to give no points to an institution if the market value of its existing endowment or quasi-endowment fund has declined by more than 20% during the four-year measurement period. Again based on an analysis of HEGIS data, the Secretary believes that it is fair to award some minimal points to institutions which have had a 20% or less decline in endowment over the four-year period because an average of a 5% per annum decrease can be interpreted as "maintaining" its endowment fund. Since endowment funds are invested for long-term gains, it is not unusual that stock market fluctuations would cause a range of 0–5% decline in a year or up to 20% in the four-year measurement period. The Secretary believes, however, that a decline of more than 20% over the measurement period is a sign that the effort to maintain endowment funds has not brought significant enough results to merit the applicant's receiving of points under this effort criterion.

Section 628.31(b) Nongovernmental Matching Funds.

Comment. One commenter was not clear on the meaning of "nongovernmental." Another questioned whether this criterion was meant to discourage the use of State or local government funds as matching funds.

Response. A change is made in the regulations. It is clear from § 628.42(c) that Federal funds are not eligible as matching funds. The language in § 628.31(b)(1) has been changed slightly to show that "nongovernmental matching funds" are funds which are obtained from sources other than a State or local government.

Applicants should note that State or local government funds may be used as matching funds. However, under this selection criterion which is consistent with section 333(f)(3)(B) of the Higher

Education Act, the Secretary rewards applicants that are proposing to obtain matching funds from sources other than a State or local government.

Comment. One commenter stated that there should be consequences for the institution which proposes to raise a certain percentage of matching funds from nongovernmental sources but fails to meet that percentage. Otherwise, applicants will be tempted to propose a very high percentage of matching funds from nongovernmental sources simply because higher points are given for doing so.

Response. A change is made in the regulations. The Secretary agrees with the commenter that consequences should follow if an institution does not raise the nongovernmental funds that it proposes to raise. The Secretary has already explained the procedure he will use in reducing the amount of the grant if the grantee is not able to raise the nongovernmental matching funds it proposed in its application.

Additionally, the final regulations contain a change in the way points are awarded under this criterion to an applicant that has previously received an endowment grant. Under § 628.31(b)(3), the Secretary now awards points to a prior endowment program grantee by using the following formula:

$$\frac{\text{Amount of matching funds proposed from nongovernmental sources}}{\text{Total proposed amount of matching funds}} \times \frac{\text{Amount of matching funds from nongovernmental sources actually raised under previous endowment grant}}{\text{Amount of matching funds proposed to be raised from nongovernmental sources under the previous endowment grant}} \times 15 \text{ points} = \text{points on this criterion}$$

Example: Institution A proposes to raise $250,000 in matching money of which $50,000 will be from their State appropriation and $200,000 will be from nongovernmental sources. They received a previous Federal endowment grant in which they proposed to raise $100,000 from nongovernmental sources but they were only able to raise $50,000 in matching funds from nongovernmental sources.

Their score on this criterion would be:

$$\frac{\$200,000}{\$250,000} \times \frac{\$50,000}{\$100,000} \times 15 = .8 \times .5 \times 15 = 6 \text{ points}$$

If the institution had not previously received an endownment grant, its score on this criterion would be:

$$\frac{\$200,000}{\$250,000} \times 1 \times 15 = .8 \times 1 \times 15 = 12 \text{ points}$$

The Secretary believes that the added provisions in § 628.31(b)(3) and in § 628.40(b)(2) now reinforce the intent of the criterion—that more points should be given to institutions that propose to raise and actually do raise a higher percentage of matching funds from sources other than a State or local government.

Comment. One commenter suggested an additional measure under this criterion. An applicant would calculate the average annual amount of nongovernmental funds it had raised during the four-year period preceding the year of application as a percentage of the proposed nongovernmental matching funds. Highest points would be given to the institution with the highest percentage.

Response. No change is made in the regulations. The Secretary believes that the revised criterion is sufficient to deal with this issue.

Comment. Three commenters suggested that there be more specific criteria by which the plan for obtaining nongovernmental matching funds is to be judged and that possible points should be specifically ascribed to this plan. One commenter questioned how judgments about the plan can be made objectively and equitably.

Response. A change is made in the regulations. The Secretary has deleted the requirement (contained in § 628.31(b) of the proposed regulations) for a narrative plan describing how the applicant proposes to raise nongovernmental matching funds. The Secretary agrees with the last commenter in believing that to judge the plan fairly would have been extremely difficult, if not impossible. The newly worded measurement of this criterion is much more objective than judging how an institution plans to obtain matching funds from sources other than a State or local government.

Comment. One commenter suggested that a plan for obtaining matching funds should be required of all applicants—regardless of what percentage of matching funds they propose to obtain from nongovernmental sources and what percentage they propose to obtain from State or local government sources.

Response. No change is made in the regulations. The Secretary is not requiring a plan on how applicants will go about raising matching funds because he has established selection criteria and priorities in §§ 628.31 and 628.32 which are much more objective and result-oriented than a plan. Also he has established in § 628.40 that the amount of the grant will be reduced from that requested if the grantee does not raise the amount of matching funds from nongovernmental sources that it proposed to raise. Again, this procedure is result-oriented. How applicants go about raising the matching funds is their decision. In selecting the grantees and determining the grant amount, the Secretary has developed a more objective, quantifiable procedure than the evaluation of a written plan.

Comment. Several commenters had questions about the Secretary's using the "percentage of private matching funds in hand at the time of application"—a factor which was contained in § 628.31(b)(2)(i) of the proposed regulations. One thought the factor was unclear or ambiguous; another thought the factor needed further clarification on what is meant by "in hand." Another commenter wanted a cutoff date five to ten days before the closing date for calculating the amount of nongovernmental funds in hand.

Response. A change is made in the regulations. This factor has been deleted as a separate measurement under this criterion. In addition to some of the confusion surrounding this factor as exhibited by the comments, the Secretary believes that using the factor places undue emphasis on one aspect of obtaining nongovernmental matching funds—speed. A measurement of speed in fund-raising might be appropriate for institutions that already have large endowments and strong fund-raising capacity but it is not appropriate for the institutions eligible under this program. Thus, the factor has been deleted.

Section 628.31(c) Need for Endowment Grant as Measured by the Applicant's Lack of Resources—Additional Criterion.

Comment. Eight commenters suggested that the Secretary should measure an applicant's need for an endowment grant by taking the applicant's annual unrestricted income from endowment, State, local and Federal sources and dividing that figure by the institution's full-time equivalent enrollment. These commenters contended that the annual unrestricted income figure will more accurately measure an institution's need for endowment monies because it would give points for the absence of revenue that could subsititute for endowment income. One commenter suggested that the Secretary also measure reliance on external funding and indebtedness as a negative need indicator. One commenter thought the percentage of full-time equivalent students receving Pell Grants should be considered under this criterion. One commenter thought that institutions with zero endowment should receive zero points. Another commenter stated that too much or too little endowment per full-time equivalent student will hurt the objectives of the program. Another proposed that more points be deducted from the institution which had a higher percentage of gifts in relation to the annual budget or a higher percentage of mortgages or loans in relation to the annual budget.

Response. A change is made in the regulations. The Secretary agrees that measuring only an institution's existing endowment and quasi-endowment is not a sufficient measure of need for future endowment. Since endowment is important to institutions not only for the revenue it generates but also for the strength it provides as a resource in case of emergencies, the Secretary has decided to include an additional selection criterion in § 628.31(c) regarding the need for an endowment grant as measured by the applicant's lack of resources. The Secretary gives up to fifty points to the applicants showing the least of the following resources at the end of the applicant's fiscal year preceding the year they apply for an endowment grant:

(a) Revenue per full-time equivalent student from Federal, State and local government appropriations;

(b) Revenue per full-time equivalent student from unrestricted Federal, State and local government grants and contracts;

(c) Eighty percent of the revenue per full-time equivalent student from tuition and fees; and

(d) Revenue per full-time equivalent student from unrestricted and restricted "endowment income" as defined in the HEGIS.

In developing this additional criterion, the Secretary carefully considered all suggestions of commenters. It was obvious from the many suggestions that "need for an endowment" could be measured in a variety of ways. The Secretary has accepted some factors suggested by the commenters and rejected others. In doing so, the Secretary understands that factors which have not been included in § 628.31(c) such as the number or percentage of Pell Grant recipients or the ratio of gifts to the institution's annual budget do have merit and, perhaps, would have measured need for an endowment just as well as the factors which the Secretary finally chose. Based on the analysis of data available from the Higher Education General Information Survey, the Secretary believes, however, that measuring applicants by their lack of revenue in the four categories under this criterion is a fair and reasonable indicator of the relative need of an institution for an endowment grant. Taken together with the other historical quantitative factors requested from applicants under §§ 628.31(a) and 628.32(b), these four factors provide a combination of effective indicators of relative need for an endowment grant.

The choice of those particular four factors was made on logical grounds as well as on practical grounds. The factors represent the most common sources of revenue available to all institutions of higher education for conducting operations. Taken together, they are a gross index of dependency on income. Also, these factors are readily available to institutions and institutions annually submit this data to the Department in the Higher Education General Information Survey of Financial Statistics. Thus, the applicants' burden in completing the application form will be considerably reduced since the Secretary intends to merely have applicants make corrections, if any, to the data which they already submitted.

While the entire amount of revenue is calculated under three factors, the Secretary calculates only 80% of the revenue from tuition and fees. The basic reason for not calculating the entire tuition and fees revenue is that revenue from tuition and fees, particularly in this decade of declining enrollment, tends to fluctuate at many institutions. The Secretary believes that using 80% of tuition and fee revenues is more appropriate given the uncertainty of this volatile funding source.

Section 628.32(a) Priority to Current Strengthening or Special Needs Grantees.

Comment. In addition to several commenters objecting to any priority being given to specific current grantees or wanting the priority to be given to more than just current Strengthening Program or Special Needs grantees, five commenters suggested that the possible points be reduced from 20 to 10, 5, or less. They argued that 20 points may eliminate applicants which are not current Strengthening and Special Needs grantees from being competitive.

Response. No change is made in the regulations. The statute requires that, in selecting new grantees, "priority" be given to these current grantees. The statute is silent as to other current or past grantees. The Secretary awards 20 points, rather than any less, because this gives priority, but not absolute priority.

Comment. One commenter questioned whether an institution will receive the priority points if it has already applied for a Strengthening Program grant this year.

Response. A change is made in the regulations. The Secretary now gives 20 points to each endowment grant applicant that, *as of October 1* of the *fiscal year* in which it applies for an endowment grant, is a recipient of a Strengthening or Special Needs Program planning or development grant. The Secretary has changed the date which triggers the priority from the date contained in the proposed regulations (i.e., the closing date for receipt of endowment grant applications) because that date was subject to change each year. Applicants need to know, for planning purposes, whether or not their application will receive the 20 points under this priority. Thus, the Secretary has changed the date for triggering the priority to a fixed one, October 1, the beginning of the fiscal year in which an applicant applies for an endowment grant.

Section 628.32(b) Priority for Need.

Comment. Two commenters were concerned because the number of full-time equivalent students was to be computed on December 31 and, technically, many institutions do not have students enrolled on that date One commenter thought that the market value of endowment and quasi-endowment funds should be computed, not on a specific date such as December 31, but at the end of the applicant's fiscal year.

Response. A change is made in the regulations. The Secretary will measure

the market value at the end of the applicant's fiscal year preceding the calendar year in which it applies for an endowment grant. The Secretary will also measure full-time equivalent enrollment as of the fall of the year preceding the year an applicant applies for an endowment grant. This will be less burdensome and less costly for the applicant.

Comment. One commenter wanted to make sure that "unclassified" students—students not enrolled in a degree program or vocational/technical program were to be included in computing the full-time equivalent enrollment of the institution.

Response. No change is made in the regulations. In computing the full-time equivalent enrollment, institutions are to include all of their students: part-time and full-time, classified and unclassified, undergraduate and graduate students.

Comment. One commenter suggested that a table be published in the regulations showing how the points will be ascribed to the different endowment dollar figures per full-time equivalent student.

Response. No change is made in the regulations. The regulations make it clear that the priority is a relative one. The most points are given to institutions which have the greatest need for endowment. Further specifics relating to how points will be ascribed cannot—because of lack of adequate data—be established now.

Section 628.33 Set-Asides.

Comment. One commenter asked whether the set-asides referred to in § 628.33 (pertaining to junior or community colleges and to institutions with special needs that have historically served substantial numbers of Black students) are a minimum or a maximum for funding the pertinent types of institutions. If a minimum, how will equitable consideration be assured for other types of institutions?

Response. No change is made in the regulations. The set-asides referred to in § 628.33 are a minimum amount set aside for the two groups of institutions and are required by statute. The Secretary believes the most equitable consideration is given to all types of institutions by devising quantitative selection criteria and priorities based on the statute authorizing the program. This has been accomplished in these final regulations.

Comment. One commenter wanted an increase in that part of the set-aside for the Historically Black Colleges and Universities which might be met with monies transferred from the Special Needs Program to the Endowment Grant Program without reducing current or future awards for Historically Black Colleges and Universities under the Special Needs Program.

Response. No change is made in the regulations. The set-aside in § 628.33 is established in the authorizing statute. An increase in the amount of the set-aside could only be accomplished through an amendment to the legislation, not a change in regulations. These final regulations for the Endowment Grant Program do not affect the amounts of current or future Special Needs awards for Historically Black Colleges and Universities.

Section 628.41 Establishing the Endowment Fund.

Comment. One commenter asked what precisely was meant by the regulations requiring that an endowment fund established under this program be "independent of any other endowment fund." Does it mean that the new endowment fund has to be managed by a different agency? Does it mean that the endowment fund established by this program could not be invested with a pre-existing endowment fund? Does it mean that the endowment fund established by this program could not be invested together with a pre-existing one so long as separate accounting procedures are utilized?

Response. No change is made in the regulations. In § 628.41(a)(1) the phrase "independent of" simply means that the fund balance must be separately indentified at all times and must be separately accounted for. The institution's endowment fund under this part and an independent endowment fund may be invested in the same securities and may be managed by the same management agency.

Section 628.41(b) Matching Funds.

Comment. Eight commenters were concerned about a starting date for obtaining matching funds. They realized that an institution must obtain matching funds before the end of an eighteen-month period after it has been notified that is has been selected to receive a grant, but they wondered whether there was a starting date for obtaining matching funds. One commenter stated that if there is no starting date, then this approach does not encourage a concerted fund-raising effort on the part of applicants.

Response. No change is made in regulations. The Secretary is purposely not setting a beginning date for applicants to obtain matching funds because there is no need to do so. Applicants selected for a grant may use matching funds obtained on any date prior to the end of the eighteen-month period prescribed in § 628.41(b), provided that the funds are eligible for matching under §§ 628.41 and 628.42. This approach gives applicants maximum flexibility in determining how, when and from what sources they will obtain matching funds.

Comment. One commenter saw a negative aspect in institutions possibly having their eighteen-month period for obtaining matching funds occur at different times. The commenter thought that that would differently affect end-of-the-year fund-raising campaigns which most institutions conduct. Thus, if a first selected institution was informed of selection in September but was unable to raise more than half of the required matching funds, the next ranked "alternate" institution might hear of its selection eighteen months later, for example, in March of another year. The commenter claimed that one institution's eighteen-month period would, then, correspond to peak fund-raising periods better than another institution's.

Response. No change is made in the regulations. The Secretary intends to select all grantees at one time and, thus, start the eighteen-month period at the same time for all grantees. While there may be some validity to alleging that "alternate" grantees may have a fund-raising period which does not correspond to peak end-of-the-year fund-raising campaigns, the Secretary believes that the positive aspect of each institution having a reasonable period to obtain matching funds far outweighs this negative aspect.

Comment. Many comments were received concerning the ending date of the period for obtaining matching funds. Four commenters favored an ending date eighteen months after an applicant is notified that it has been selected to receive a grant. Three commenters favored an ending date after twenty-four months and twenty commenters favored an ending date after thirty-six months. One commenter wanted an ending date after sixty months with one-half of the requested amount, if successfully matched, awarded in the first eighteen months and the second half awarded in a second eighteen-month period. Most commenters thought that the ending date should come after twenty-four or thirty-six months because it will take that long for small, eligible colleges to raise $250,000.

Response. No change is made in the regulations. The Secretary believes that an ending date for obtaining matching funds which falls eighteen months after notification of selection is a reasonable

one. This is particularly so given that there is no starting date for obtaining matching funds. Also, the Secretary believes that, as the life of this program proceeds, grantees will get accustomed to award cycle deadlines and will, thus, be better prepared to obtain matching funds in a shorter period of time. Further, if an institution does not believe that it can raise $250,000 matching funds in the time allotted, it should request a smaller grant amount.

Comment. Many commenters suggested that applicants be allowed to obtain their matching funds in increments and that the Secretary disburse the Federal funds in increments if an applicant did not have all of its matching funds at the time it is selected to receive a grant. Additionally, many of these same commenters suggested that the Secretary award grant monies, equal to matching funds, to those grantees which—at the end of eighteen months—obtained only a portion of the proposed matching funds. One commenter suggested that the Secretary disburse grant funds in increments of $10,000 after the mimimum of $50,000. Another commenter suggested that the Secretary disburse Federal funds every six months based on whatever amount of matching funds the grantee obtains in that six-month period.

Response. No change is made in the regulations. However, the following explanation may be useful. Section 628.41(b) clearly allows grantees to obtain matching funds in increments over an eighteen-month period and the Secretary intends to disburse Federal funds in increments during this period. The Secretary has not yet determined whether the increments will consist of a pre-announced dollar amount or will be based on matching funds obtained within a certain time period. The Secretary has prescribed, however, in § 628.40(b), how grant amounts will be determined.

Comment. One commenter stated that a grantee should be required to certify to the Secretary not just the amount of matching funds but also that the matching funds are not funds prohibited in § 628.42.

Response. A change is made in the regulations. The Secretary agrees with the commenter that this certification is a proper check to see that grantees match with eligible cash or low-risk securities. Accordingly, new language has been added in § 628.41(b)(2). The Secretary also adds the provision that a grantee must certify the "source" and "kind" of matching funds, in addition to the "amount." The Secretary must have this information if he is to determine whether matching funds are eligible under §§ 628.41 and 628.42.

Comment. One commenter suggested that matching funds should be "new" in the sense that applicants should be required to obtain them after a given date. Another commenter disagreed with the previous comment. This commenter thought that gifts which were received at any time in the past should be eligible as matching funds.

Response. No change is made in the regulations. The authorizing statute does not require that applicants must raise matching funds after a certain date. The program's three purposes are to provide grants in order: (1) to establish or increase endowment funds at eligible institutions, (2) to provide additional incentives to promote fund-raising activities, and (3) to foster increased independence and self-sufficiency at eligible institutions. To require "new funds" would unduly emphasize the fund-raising purpose of the statute over the other two purposes. The Secretary prefers that the grantee has maximum flexibility in determining how, when, and from what sources it will obtain matching funds.

Comment. Several commenters were concerned that, because much of the data to be requested in the application form is to be quantified, steps should be taken to see that that data is accurate.

Response. A change is made in the regulations. Under § 628.41(b)(3), the Secretary now requires those selected to receive a grant to have a certified public accountant or other licenced public accountant who is not an employee of the institution attest to the accurancy of the data contained in the application.

Comment. Several commenters were concerned about what kinds of funds are *ineligible* as matching funds. One commenter agreed that applicants should *not* be allowed to use borrowed funds or currently existing endowment funds as matching funds. One commenter wondered whether pledges could be used to match the grant. Another commenter suggested that tuition monies should be ineligible because an institution that could spare tuition monies for the purpose of endowment was not as needy as it should be to qualify for endowment funds. One commenter suggested that deferred gifts—such as a charitable remainder annuity trust or unitrust—should be ineligible and another commenter suggested that deferred gifts should be eligible as matching funds. One commenter wondered whether interest-bearing funds outside of endowment or quasi-endowment funds are ineligible. One commenter suggested that monies which came from previous donors should be ineligible. Another commenter said that monies which came from *within* the institution—e.g., monies from tuition, from the bookstore, from cost-cutting measures—should be ineligible. In effect, this commenter suggested that only monies raised from fund-raising outside of the college or university should be eligible as matching funds. One commenter thought that the Secretary might be saying that all interest-bearing funds are ineligible as matching.

Response. A change is made in the regulations. The Secretary has revised the proposed regulations (§ 628.41(e)) and made a separate section, § 628.42, to clarify what a grantee may not use to match the grant funds.

By including quasi-endowment funds as part of the definition of "endowment fund," the Secretary has clarified that quasi-endowment funds may not be used as matching. These are funds which the institution's board of trustees has determined should be retained and invested, and thus, they are funds functioning as endowment funds.

The Secretary will not allow pledges to be used for matching purposes. As a pre-condition to grant funds being disbursed, a grantee must deposit matching funds in a newly established endowment fund and certify to the amount and eligibility of the match. It is impossible for the grantee to complete this pre-condition if all it has is a pledge of cash or low-risk securities. The grantee must have in its legal possession, or that of a designated recipient foundation, cash or low-risk securities equal to the amount of Federal funds to be disbursed at any given time.

The Secretary also will not allow deferred gifts—such as a charitable remainder annuity trust or unitrust—to be used as matching funds because these deferred gifts are not available to the institution.

Regarding other interest-bearing funds which are *not* endowment or quasi-endowment funds—the Secretary allows these funds to be used as matching. Similarly, funds from tuition, from previous donors, and from within the institution are eligible to be used as matching so long as they are not pledges, Federal funds, borrowed funds, or endowment or quasi-endowment funds existing at the closing date established by the Secretary for submission of eligibility requests for the Endowment Grant Program.

The Secretary intends to limit ineligible matches to only five categories. By doing so, the Secretary believes that the three purposes of the

statute, stated elsewhere in these responses, will be well-served. Also, this approach correctly puts the responsibility of determining which funds should be invested for 20 years squarely on officials at the applicant institution. Decision-makers at the applicant institution are best in a position to judge how to obtain matching funds and which eligible funds to use as matching.

Section 628.45 Use of Endowment Fund Income.

Comment. One commenter agreed with the rule allowing a grantee to withdraw and expend 50% of the total aggregate endowment fund income. Another commenter was unclear on what could or could not be done with the other half of endowment fund income.

Response. A change is made in the regulations. Section 628.45(a)(4) makes explicit what was implicit in the proposed regulations, namely, that for the duration of the grant period, an institution may not withdraw and expend 50% of the total aggregate endowment fund income. It must stay with the endowment fund and be invested.

Section 628.44(a)(1) and section 628.45(a) Cost to administer and manage the endowment fund.

Comment. One commenter pointed to an inconsistency, in that the statute prohibits a grantee from withdrawing or spending any of the endowment fund corpus and yet the proposed rules in § 628.43(a)(2) allowed a grantee to use the corpus for costs involved in purchasing securities such as stock broker commissions and fees to "load" mutual funds. Another commenter asked which administrative and management costs a grantee could pay for with endowment fund income. Another commenter asked why endowment fund income used to pay for some costs associated with administering or managing the endowment fund were to be considered withdrawn and spent funds and some were not.

Response. A change is made in the regulations. The Secretary agrees with the first commenter and grantees will be prohibited from using the endowment fund corpus to pay the costs associated with the purchase or sale of securities. A grantee may, however, use the 50% portion of endowment fund income that under § 628.45(a)(1) it may withdraw to pay for these costs as well as for the costs of managing and administrating the fund. Of course, the grantee must pay for these costs itself if the costs are incurred before the endowment fund established under this program produces sufficient income.

The Secretary has also deleted (§ 628.44(a)(2) (i) and (ii)) the requirement that income used to pay for investment costs was not to be considered withdrawn and spent but income was to be considered withdrawn and spent if used to pay for costs associated with withdrawing income. The Secretary now considers income used to pay costs associated with the purchase and sale of securities to be withdrawn and spent. This change reduces the bookkeeping burden on grantees and is more in keeping with standard accounting practice.

Section 628.46 Calculating Spendable Endowment Fund Income.

Comment. One commenter wanted a simpler way to calculate the 50% portion of endowment fund income that a grantee may use.

Response. No change is made in the regulations. The statutory limitation regarding expenditure of endowment fund income does not permit a simpler calculation process. A full explanation follows of how to calculate spendable income.

Unless the Secretary makes an exception, a grantee may withdraw and spend 50 percent of the total aggregate endowment fund income earned prior to the date of expenditure. The grantee must calculate the maximum amount of endowment fund income that may be withdrawn and spent at a particular time as follows:

A. Determine the current market value of the endowment fund for the projected date of withdrawal.

B. Determine the amount of endowment fund income for the date of withdrawal by subtracting the endowment fund corpus from the current market value of the endowment fund.

C. Determine the amount of endowment fund income previously withdrawn and spent.

D. Compare the preceding two amounts and determine if the amount of endowment fund income in the endowment fund at the projected date of withdrawal exceeds the aggregate amount of income previously withdrawn.

E. If the amount of endowment fund income in the endowment fund exceeds the aggregate amount of endowment fund income previously withdrawn, the grantee may withdraw and spend one half of the excess.

Examples

i. Institution A has an endowment fund equal to $300,000 on the date of the planned withdrawal. Its endowment fund corpus was $225,000. It never previously withdrew or spent any endowment fund income.

Institution A has endowment fund income of $75,000 ($300,000—$225,000). It may withdraw up to 50 percent of that amount, $37,500, because it never previously withdrew any endowment fund income.

ii. Institution B has an endowment fund with a current market value of $500,000 on the date of the planned withdrawal. Its endowment fund corpus was $300,000. It previously spent $10,000, $50,000 and $25,000.

Institution B, thus, has an endowment fund income of $200,000 ($500,000—$300,000). It previously withdrew and spent $85,000 of fund income ($10,000 + $50,000 + $25,000). The current value of the endowment fund income exceeds the amount previously spent by $115,000 ($200,000—$85,000). Thus, institution B may withdraw and spend up to $57,500 (50% of $115,000).

Institution B withdraws the $57,500. It may not withdraw or spend additional endowment fund income until endowment fund income in the fund on the date of planned withdrawal exceeds $142,500 ($85,000 + $57,500) and if it does, it may withdraw and spend only up to 50 percent of that excess.

iii. Institution C has an endowment fund consisting of money market funds and low-risk stock. The value of the fund on the planned date of withdrawal is $600,000. The endowment fund corpus is $400,000. It previously withdrew $190,000.

Institution C sells $5,000 of the stock, incurring a brokerage fee of $200. The institution may use the other $4,800 for other legitimate expenses. As a result of a decrease in the value of its stock, the next time institution C wishes to withdraw and spend endowment fund income, the value of its funds is $580,000. Thus, its endowment fund income is $180,000. The amount of endowment fund income it previously withdrew and spent equals $195,000 ($190,000 + $5,000). Thus institution C's endowment fund income does not exceed the amount of income it previously withdrew and spent ($180,000 versus $195,000) and it may not withdraw any endowment fund income. Further, it may not withdraw any income until, on the planned date of withdrawal, that income exceeds $195,000 or, put another way, until the value of its endowment fund exceeds $595,000.

As can be seen from these examples, the key to determining whether and how much endowment fund income may be

withdrawn and spent is to keep a running total of the aggregate amount of endowment income withdrawn and spent.

Section 628.47 Reports.

Comment. One commenter suggested that the Department devise a reporting form which allows a grantee to report facts about *all* endowment grants it receives in future years, not just about one grant. The commenter thought this would simplify review of data.

Response. No change is made in the regulations. While the Secretary will take this suggestion under review in developing a report form, this is not a proper matter for Department regulations.

Comment. One commenter questioned whether the restriction in the statute and regulations limiting the amount of income an institution or foundation can spend will result in a foundation losing its tax exempt status. Under section 333 of the HEA and § 628.45(a) (§ 625.44(a)), an institution may spend not more than 50% of the total aggregate endowment fund income earned prior to the date of expenditure.

Response. No change is made in the regulations. The question was discussed with a representative of the Internal Revenue Service. The Secretary was informed that an institution may be able to structure its foundation in such a manner so that the foundation would qualify as a tax exempt organization even though the foundation is limited to spending not more than 50 percent of its endowment fund income. Thus, it may be advisable for an institution that wishes to establish a foundation to operate its endowment fund under the Endowment Grant Program to consult with a tax attorney, accountant or other expert in the area of tax exempt organizations.

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List of Public Laws

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of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

S.J. Res. 238 / Pub. L. 98-343

To designate the week beginning November 19, 1984, as "National Adoption Week". (July 9, 1984; 98 Stat. 314) Price: $4.50

S. 2403 / Pub. L. 98-344

To declare that the United States hold certain lands in trust for the Pueblo de Cochiti. (July 9, 1984; 98 Stat. 315) Price: $1.50

H. J. Res. 555 / Pub. L. 98-345

To designate July 20, 1984, as "Space Exploration Day". (July 9, 1984; 98 Stat. 318) Price: $1.50

H.J. Res. 544 / Pub. L. 98-346

To designate the week beginning September 2, 1984, as "National School Age Child Care Awareness Week". (July 9, 1984; 98 Stat 319) Price: $1.50

H.R. 4921 / Pub. L. 98-347

To provide for the selection of additional lands for inclusion within the Bon Secour National Wildlife Refuge, and for other purposes. (July 9, 1984; 98 Stat. 321) Price: $1.50

S.J. Res. 278 / Pub. L. 98-348

To commemorate the one hundredth anniversary of the Bureau of Labor Statistics. (July 9, 1984; 98 Stat. 323) Price: $1.50

S.J. Res. 306 / Pub. L. 98-349

To proclaim July 10, 1984, as "Food for Peace Day". (July 9, 1984; 98 Stat. 325) Price: $1.50

H.J. Res. 566 / Pub. L. 98-350

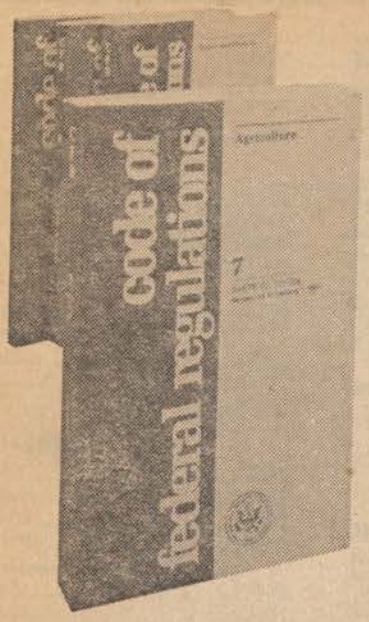
To designate the week beginning on October 7, 1984, as "National Neighborhood Housing Services Week". (July 9, 1984; 98 Stat. 326) Price: $1.50

H.J. Res. 604 / Pub. L. 98-351

To designate July 9, 1984, as "African Refugees Relief Day". (July 9, 1984; 98 Stat. 327) Price: $1.50

S. 2375 / Pub. L. 98-352

Small Business Secondary Market Improvements Act of 1984. (July 10, 1984; 98 Stat. 329) Price: $1.50



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