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Wednesday
August 8, 1984

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Aviation Safety
Federal Aviation Administration

Communications Common Carriers
Federal Communications Commission

Education
Education Department

Grains
Federal Grain Inspection Service

Indemnity Payments
Federal Crop Insurance Corporation

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Nuclear Power Plants and Reactors
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Pesticides and Pests
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Quarantine
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Selected Subjects

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

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Surface Mining Reclamation and Enforcement Office

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Federal Communications Commission

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 84-066]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the State of Wisconsin from Class A to Class Free. This action is necessary because it has been determined that this State meets the standards for Class Free status. The effect of this action is to relieve certain restrictions on the interstate movement of cattle from the State of Wisconsin.

DATES: Effective date of the interim rule is August 8, 1984. Written comments must be received on or before October 9, 1984.

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

FOR FURTHER INFORMATION CONTACT: Dr. Thomas J. Holt, Cattle Diseases Staff, VS, APHIS, USDA, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION:

Background

The brucellosis regulations (contained in 9 CFR Part 78 and referred to below as the regulations) provide a system for classifying States or portions of States according to the rate of brucella infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or Areas which do not meet the minimum standards for Class C are required to be placed under Federal quarantine. This document changes the classification of the State of Wisconsin from Class A to Class Free.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the period of 12 months preceding classification as Class Free. The Class C classification is for States or Areas with the highest rate of brucellosis, with Classes A and B in between. Restrictions on the movement of cattle are more stringent for movements from Class A States or Areas compared to movements from Free States or Areas, and are more stringent for movements from Class B States or Areas compared to movements from Class A States or Areas, and so on. The restrictions include testing for movement of certain cattle from other than Class Free States or Areas.

The basic standards for the different classifications of States or Areas concern maintenance of: (1) A State or Area-wide accumulated 12 consecutive month herd infection rate not to exceed a stated level; (2) a Market Cattle Identification (MCI) reactor prevalence rate not to exceed a stated rate (this concerns the testing of cattle at auction markets, stockyards, and slaughtering establishments); (3) a surveillance system which includes a testing program for dairy herds and slaughtering establishments, and provisions for identifying and monitoring herds at high risk of infection, including herds adjacent to infected herds and herds from which infected animals have been sold or received under approved action plans; and (4) minimum procedural standards for administering the program.

Prior to the effective date of this document, the entire State of Wisconsin was classified as a Class A State. It had been necessary to classify this State as Class A rather than Class Free because of the herd infection rate and the MCI reactor prevalence rate. To attain an maintain Class Free status, a State or Area must, among other things, remain free from brucellosis in cattle for the preceding 12 month period and the adjusted MCI reactor prevalence rate for such 12 month period must not exceed one reactor per 2,000 cattle tested (0.050). A review of brucellosis program records establishes that the State of Wisconsin should be changed to Class Free since this State now meets the criteria for classification as Class Free.

Executive Order and Regulatory Flexibility Act

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

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

Changing the status of the State of Wisconsin reduces testing requirements on the interstate movement of certain cattle. Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Testing requirements for cattle moved interstate for immediate slaughter, or to quarantined feedlots are not affected by the changes in status. Also, cattle from Certified Brucellosis-Free Herds moving interstate are not affected by these changes in status. It has been determined that the changes in brucellosis status made by this document will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection

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

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for the Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to delete unnecessary restrictions on the interstate movement of certain cattle from the State of Wisconsin.

Further, pursuant to the administrative procedure provisions in 5 U.S.C 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document. A document discussing comments received and any amendments required will be published in the **Federal Register.**

List of Subjects in 9 CFR Part 78

Animal diseases, Cattle, Hogs, Quarantine, Transportation, Brucellosis.

PART 78—BRUCELLOSIS

Accordingly, 9 CFR Part 78 is amended as follows:

§ 78.20 [Amended]

1. Section 78.20(a) is amended by adding "Wisconsin," immediately before "and Wyoming".

2. In § 78.20(b), "Wisconsin," is removed.

Authority: Secs. 4, 5, and 6, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 2nd day of August 1984.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84–20979 Filed 8–7–84; 8:45 am]

BILLING CODE 3410–34–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 102

Disclosure of Information and Privacy Act of 1974; Correction

AGENCY: Small Business Administration.

ACTION: Correction.

SUMMARY: This corrects a final rule published in the **Federal Register** on July 25, 1984 (49 FR 29944).

EFFECTIVE DATE: August 8, 1984.

FOR FURTHER INFORMATION CONTACT: Erin McDonnell, Counsel to the Inspector General, Office of Inspector General, Small Business Administration, Room 1018, 1441 L Street NW., Washington, D.C. 20416.

PART 102—[AMENDED]

§ 102.34 [Corrected]

In FR Doc. 84–19611, appearing at page 29944, in the issue for Wednesday, July 25, 1984, in § 102.34(c), "Reasons for exemption," in the eighth line, the reference to "102.43(a)" should read "102.34(a)."

Dated: August 2, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84–20982 Filed 8–7–84; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84–NM–74–AD; Amdt. 39–4896]

Airworthiness Directives: McDonnell Douglas DC–10, and KC–10A (Military) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a visual inspection of wiring bundles beneath the cockpit glareshield to ensure that they are not chafed and are routed properly over the fluorescent light shroud. This action is prompted by a report of an in-flight fire. This AD is needed to ensure proper wire bundle routing to prevent wire bundle chafing which could result in electrical short circuits and accompanying smoke and/or fire.

DATES: Effective August 20, 1984.

Compliance required within 30 days after the effective date unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Eugene F. Huettner, Aerospace Engineer, Systems & Equipment Branch, ANM–130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548–2831.

SUPPLEMENTARY INFORMATION: One (1) operator has reported a small flame of short duration caused by the chafing and subsequent shorting of a misrouted wire harness in the glareshield area. As a result the National Transportation Safety Board (NTSB) recommended the issuance of a telegraphic Air Carrier Operations Bulletin calling attention to this condition and an immediate visual inspection. FAA General Notice (GENOT RWA 4/97) was issued on this subject.

Further investigation has revealed that a large number of other DC–10 airplanes have similar improperly routed wire bundles, with a small number of airplanes having chafed wires, indicating that the conditions exist for the possible repetition of a similar incident.

Douglas All Operators Letter 10–1759, dated May 30, 1984, has been released with Service Sketch 3597 to show the area to be inspected and the proper harness routing over the light shroud.

Since this situation is likely to exist or develop on other airplanes of the same type design, the FAA has determined that a visual inspection of the wire bundles beneath the cockpit glareshield is necessary to ensure that they are not chafed and are routed properly over the fluorescent light shroud.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

McDonnell Douglas: Applies to McDonnell Douglas DC–10 and KC–10A (military) airplanes, certificated in all categories.

Compliance required within 30 days after the effective date of this AD unless previously accomplished.

To determine wire harness condition and ensure proper wire routing, accomplish the following:

A. Inspect both the left-hand and right-hand wiring bundles beneath the cockpit glareshield for chafing and proper routing in accordance with Douglas All Operators Letter 10–1759, dated May 30, 1984, and Service Sketch 3597.

B. Repair all chafed wires by replacement or use of methods outlined in the Douglas DC–10 Maintenance Manual.

C. Verify proper routing of both the left-hand and right-hand wire bundles beneath the cockpit glareshield over the fluorescent light shroud in accordance with Douglas All Operators Letter 10–1759, dated May 30, 1984, and Service Sketch 3597.

D. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective August 20, 1984.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89))

Note.—The Federal Aviation Administration 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/major 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 person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington on July 30, 1984.

Thomas J. Howard,

Acting Director, Northwest Mountain Region.

[FR Doc. 84–20930 Filed 8–7–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–ASW–53; Amdt. 39–4890]

Airworthiness Directives; Bell Helicopter Textron, Models 206A, 206A–1, 206B, 206B–1, 206L, 206L–1, and 206L–3

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires a 25-hour repetitive inspection of certain tail rotor blades and repair or replacement as necessary on Bell Model 206 A/B/L series helicopters. The AD is being amended to replace the current 25-hour repetitive inspection with a weekly check and a 100-hour repetitive inspection. This amendment is needed since the FAA has determined that a weekly check and a 100-hour repetitive inspection are sufficient for detecting corrosion near the tail rotor tip block area.

DATE: Effective September 3, 1984.

Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service information may be obtained from Bell Helicopter Textron, Inc., Product Support Department, P.O. Box 482, Fort Worth, Texas 76101.

A copy of the service information is contained in the Rules Docket located at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Room 156, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Tyrone D. Millard, Helicopter Certification Branch, ASW–170, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877–2594.

SUPPLEMENTARY INFORMATION: This amendment further amends Amendment 39–4439 (47 FR 35466), AD 82–17–04, as amended by Amendment 39–4819 (49 FR 7796), which currently requires a 25-hour repetitive inspection of certain tail rotor blades on Bell Model 206 A/B/L series helicopters, and repair or replacement as necessary. After issuing Amendment 39–4819, the FAA has received numerous written requests for approval of an equivalent means of compliance with Amendment 39–4819. Aircraft operators and owners who are affected by the AD are experiencing a significant economic burden in complying with the 25-hour repetitive inspection requirement. The FAA has determined that a weekly check performed by the pilot who has been trained to perform the check and a 100-hour repetitive inspection would provide an adequate level of safety and would be an equivalent means of compliance with Amendment 39–4819. Therefore, the FAA is further amending Amendment 39–4439, as amended by Amendment 39–4819, by changing the current 25-hour repetitive inspection to a weekly check and a 100-hour repetitive inspection on Bell Model 206 A/B/L series helicopters.

Since this amendment merely incorporates an equivalent means of compliance resulting in a cost savings while providing an adequate level of safety, it is found that notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is further amended by amending Amendment 39–4439 (47 FR 35466), AD 82–17–04, as amended by Amendment 39–4819 (49 FR 7796), by revising paragraphs (a) and (b); by deleting paragraph (d); and with paragraph (c) remaining unchanged, as follows:

(a) Within the next 7 days after the effective date of this AD, and thereafter at intervals not to exceed 7 days since the last check, perform a check as follows:

(1) Check tail rotor blades, Part Numbers (P/N) 206–016–201–001 and 206–016–201–103, for serviceability with

special emphasis on the tip block area. (See Figure 1.)

(i) Visually check for corroded or missing rivet heads.

(ii) Visually check for rivet heads that have pulled through the skin shell in the tip block area.

(iii) Visually check for voids or separations between the skin shell and tip block.

(iv) Check for any movement or displacement of the tip block outboard of the tip of the skin shell.

(2) The check required by paragraph (a)(1) of this AD is not considered to be maintainance or preventive maintenance. However, the persons performing this check shall make a entry in the aircraft's maintenance records containing the following information:

(i) If no discrepancies are noted, make an entry referencing the check required by paragraph (a)(1) of this AD, the name of the person who performed the check, the date the check was accomplished, the signature, certificate number, and kind of certificate held by the person performing the check.

(ii) If any discrepancies are noted, make an entry referencing the check in paragraph (a)(1) of this AD, the name of the person who performed the check, the date the check was accomplished, and the nature of the discrepancy. In addition to this entry, the inspection required by paragraph (b)(1) of this AD must be performed before further flight.

(3) The checks required by paragraph (a)(1) of this AD may be performed by the pilot, provided his logbook is endorsed by an appropriately rated mechanic stating that the pilot has been properly trained to conduct the check.

(b) Within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, perform an inspection as follows:

(1) Inspect tail rotor blades, P/N's 206-016-201-001 and 206-016-201-103, for serviceability with special emphasis on the tip block area. (See Figure 1.)

(i) Visually inspect for corroded rivets and/or missing rivet heads.

(A) Corroded or missing rivets shall be replaced with rivet P/N MS20426AD3 or FAA-approved equivalent. Install replacement rivets with wet epoxy polyamide primer, MIL-P-23377, before further flight. Check for proper countersink prior to rivet installation.

(B) If an oversize rivet is required, only rivet P/N MS20426B4 may be used due to the difficulty of installation.

Caution

Skin shell thickness is 0.008 inch. Care must be taken during countersink operation if an oversize rivet is required.

(ii) Visually inspect for rivet heads that have pulled through the skin shell in the tip block area.

Note.—A rivet head that has pulled through the skin will require replacement of the blade before further flight.

(iii) Visually inspect for voids or separations between the skin shell and the tip block. Limits for voids or gaps between the shell and the tip block are as follows:

(A) A void (or gap), no greater than 0.25-inch wide (chordwise) at the leading edge, is acceptable but must be sealed (see Figure 1). Seal with EC-2216 or EA934 or FAA-approved equivalent in accordance with the appropriate Model 206 maintenance manual or FAA-approved equivalent.

(B) A void (or gap), no greater than 0.12-inch wide (chordwise) between the shell and the aft end of the tip block is acceptable but must be sealed (see Figure 1). Seal with EC-2216 or EA934 in accordance with the appropriate Model 206 maintenance manual or FAA-approved equivalent.

(C) With the exception of paragraphs (b)(1)(iii)(A) and (b)(1)(iii)(B), voids between the shell and the tip block that are visible at the tip are unacceptable.

(D) Any voids in excess of these limitations shall require replacement of the blade before further flight.

(E) Any movement or displacement of the tip block outboard of the tip of the skin shell shall require replacement of the blade before further flight.

(2) Special flight permits may be issued in accordance with FAR 21.197 and FAR 21.199 to fly the aircraft to a base where the requirements of paragraph (b) of this AD can be accomplished.

(c) Any equivalent method of compliance with this AD must be approved by the Manager, Aircraft Certification Division, Southwest Region, Federal Aviation Administration.

This amendment becomes effective September 3, 1984.

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

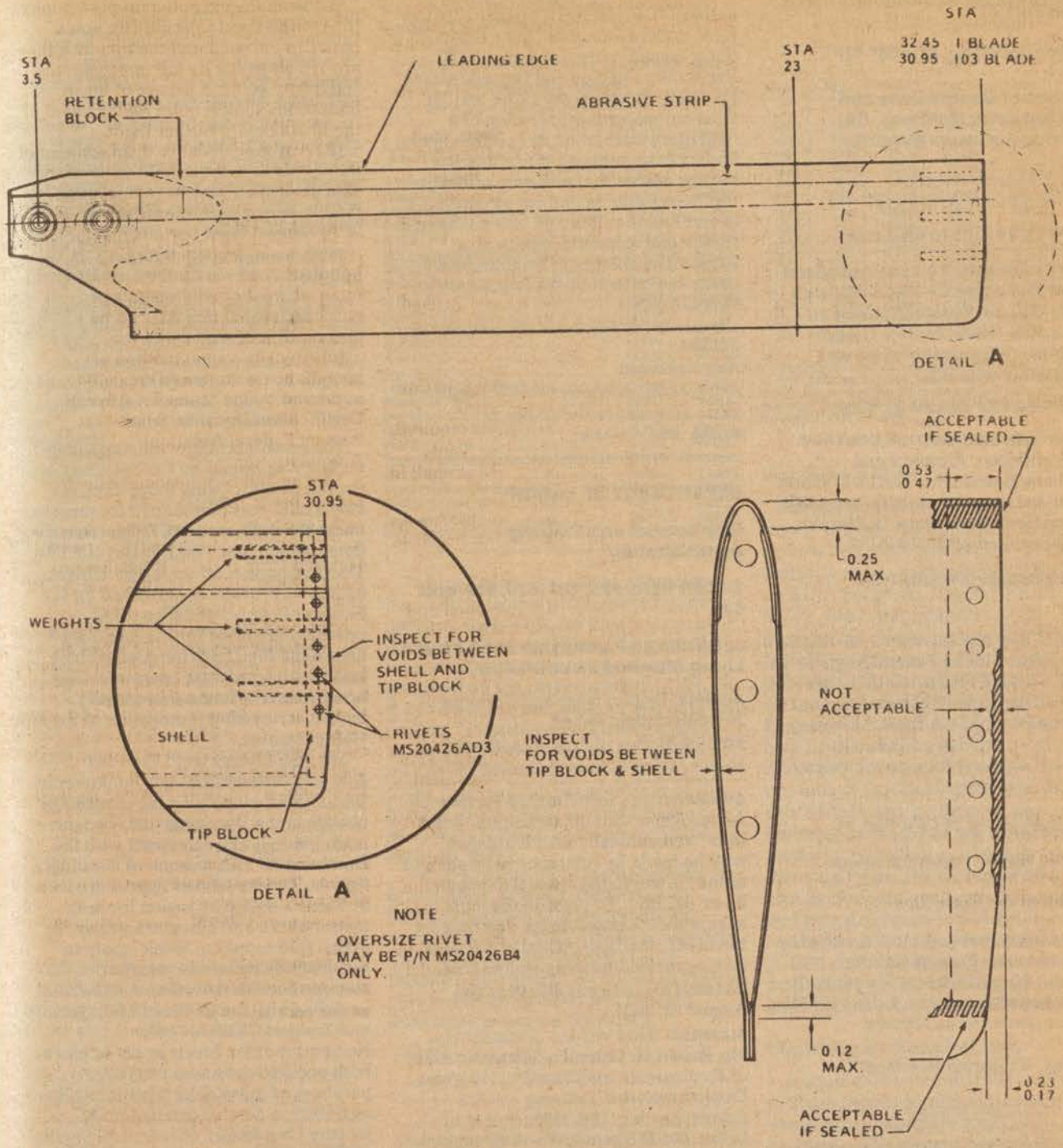
Note.—The FAA has determined that this regulation involves approximately 4,000 helicopters at a cost of $6 per helicopter for the inspection. The labor cost, if replacement is required, is approximately $90 per helicopter. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Fort Worth, Texas, on July 18, 1984.

C.R. Melugin, Jr.,

Director, Southwest Region.

BILLING CODE 4910-13-M



TAIL ROTOR BLADE INSPECTION
FIGURE 1

[FR Doc. 84-20650 Filed 8-7-84; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 71

[Airspace Docket No. 83-AWP-12]

Alteration of Control Zone and Transition Area; Monterey, CA; (Monterey Peninsula Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects **Federal Register** Document 84-15928 that was published in the **Federal Register** on June 14, 1984 (49 FR 24515). The part time status of the control zone was inadvertently omitted.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Tom Huntington, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Blvd., Lawndale, California 90261, telephone (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 88-15928 was published in the **Federal Register** on June 14, 1984 (49 FR 24515), that altered the transition area and control zone at Monterey Peninsula Airport, Monterey, California, to provide additional controlled airspace for a new localizer approach to runway 28.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 84-15928, as published in the **Federal Register** on June 14, 1984 (49 FR 24515), is corrected as follows:

Monterey, California [Revised]

Following the last sentence in the control zone description add: "This control zone is effective from 0600 to 2300 hours, local time, daily or during specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airport/Facility Directory."

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

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

Issued in Los Angeles, California, on July 26, 1984.

Alex Hammond,

Acting Director, Western-Pacific Region.

[FR Doc. 84-20931 Filed 8-7-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 626, 627, 628, 629, and 630

Job Training Partnership Act; Lower Living Standard Income Level

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of determination of Lower Living Standard Income Level.

SUMMARY: The Job Training Partnership Act provides that the definition of the term "economically disadvantaged" may be made by reference to 70 percent of the "lower living standard income level" (LLSIL). To provide the most accurate data possible for determining the LLSIL, the Department of Labor is issuing revised figures for the LLSIL.

DATES: This notice is effective on August 23, 1984.

ADDRESS: Send written comments to: Mr. Robert N. Colombo, Director, Office of Employment and Training Programs, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Colombo. Telephone: 202-376-6093.

SUPPLEMENTARY INFORMATION: It is a purpose of the Job Training Partnership Act (JTPA) "to afford job training to those *economically disadvantaged* individuals . . . , who are in special need of such training to obtain productive employment. [Emphasis added.]" JTPA section 2. See 20 CFR 626.1(a)(2). JTPA section 4(8) defines, for the purposes of JTPA, the term "economically disadvantaged" in part by reference to the "lower living standard income level" (LLSIL). See 20 CFR 626.4. Similar definitions of "economically disadvantaged", which also include references to the LLSIL, are provided at JTPA sections 201(b)(3) and 202(a)(3) for JTPA Title II allotment and within-State allocation purposes. See 20 CFR 629.39, 630.1.

JTPA section 4(16) defines LLSIL as follows:

> The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary [of Labor] based on the most recent "lower living family budget" issued by the Secretary.

The most recent lower living family budget was issued by the Secretary in the fall of 1981. Using those data, the 1981 LLSIL was determined for programs under the now-repealed Comprehensive Employment and Training Act (CETA). The four-person urban family budget estimates previously published by the Bureau of Labor Statistics (BLS) provided the basis for the Secretary to determine the LLSIL for employment and training program operators. BLS terminated the four-person family budget series after publication of the fall 1981 estimates.

The Employment and Training Administration (ETA) has updated the 1981 LLSIL by applying the percentage change in the December 1983 consumer price index (CPI), compared with the October 1981 CPI, to each of the LLSIL figures. Those updated figures are listed in Table 1 below by region for both metropolitan and nonmetropolitan areas. (Metropolitan levels apply to residents living within standard metropolitan statistical areas (SMSAs), as defined by the Office of Management and Budget (OMB) in 1967. Nonmetropolitan levels apply to places with populations under 50,000 for purposes of these determinations.) Since eligibility is determined by family income for a family of four at 70 percent of the LLSIL, pursuant to section 4(8) of the JTPA, those figures are listed as well.

TABLE 1.—LOWER LIVING STANDARD INCOME LEVEL BY REGION [1]

Region	Updated 1984 LLSIL	70 percent of LLSIL
Northeast:		
Metropolitan	$16,990	$11,900
Nonmetropolitan	16,500	11,550
North Central:		
Metropolitan	16,780	11,750
Nonmetropolitan	16,490	11,540

TABLE 1.—LOWER LIVING STANDARD INCOME LEVEL BY REGION [1]—Continued

Region	Updated 1984 LLSIL	70 percent of LLSIL
South:		
Metropolitan	15,880	11,120
Nonmetropolitan	15,240	10,670
West:		
Metropolitan	17,100	11,970
Nonmetropolitan	17,690	12,390

[1] For ease of calculation, these figures have been rounded to the next highest ten.

Jurisdictions included in the various regions, based generally on Census Divisions of the U.S. Department of Commerce, are as follows:

Northeast

Connecticut
Maine
Massachusetts
New Hampshire
New Jersey
New York
Pennsylvania
Rhode Island
Vermont
Virgin Islands

North Central

Illinois
Indiana
Iowa
Kansas
Michigan
Minnesota
Missouri
Nebraska
North Dakota
Ohio
South Dakota
Wisconsin

South

Alabama
American Samoa
Arkansas
Delaware
District of Columbia
Florida
Georgia
Kentucky
Louisiana
Maryland
Mississippi
North Carolina
Northern Marianas
Oklahoma
Puerto Rico
South Carolina
Tennessee
Texas
Trust Territories
Virginia
West Virginia

West

Arizona
California
Colorado
Idaho
Montana
Nevada
New Mexico
Oregon
Utah
Washington
Wyoming

Additionally, separate figures are available for Alaska and Hawaii, as indicated in Table 2 below. Guam should also use the Hawaii figures.

TABLE 2.—LOWER LIVING STANDARD INCOME LEVEL—ALASKA, HAWAII, AND GUAM [1]

	Updated 1984 LLSIL	70 Percent of LLSIL
Alaska:		
Metropolitan	$24,550	$17,190
Nonmetropolitan	23,080	16,160
Hawaii and Guam:		
Metropolitan	21,830	15,280
Nonmetropolitan	20,420	14,300

[1] Rounded to the highest ten.

Data on 25 SMSAs are also available, although the time frames used for the updated data are not exactly the same. The updated LLSIL figures for these SMSAs, and 70 percent of the LLSIL, rounded to the next highest ten, are set forth in Table 3 below.

TABLE 3.—LOWER LIVING STANDARD INCOME LEVEL—25 SMSAS

SMSA	Updated LLSIL	70 percent of LLSIL
Anchorage, AK	$24,550	Z$17,190
Atlanta, GA	15,750	11,030
Baltimore, MD	16,790	11,750
Boston, MA	17,750	12,430
Buffalo, NY	16,160	11,310
Chicago, IL/Northwestern, IN	17,170	12,020
Cincinatti, OH/KY/IN	17,400	12,180
Cleveland, OH	17,650	12,360
Dallas, TX	15,630	10,950
Denver, CO	17,390	12,180
Detroit, MI	16,110	11,280
Honolulu, HI	21,830	15,280
Houston, TX	15,840	11,090
Kansas City, MO/KS	16,600	11,620
Los Angeles/Long Beach, CA	17,590	12,310
Milwaukee, WI	16,940	11,860
Minneapolis-St. Paul, MN	16,470	11,530
New York, NY/Northeast, NJ	17,250	12,080
Philadelphia, PA	16,560	11,600
Pittsburgh, PA	17,120	11,980
San Diego, CA	16,930	11,860
San Francisco-Oakland, CA	17,680	12,380
Seattle/Everett, WA	18,430	12,900
St. Louis, MO/IL	16,810	11,630
Washington, D.C./MD/VA	18,410	12,890

Table 4 below is a listing of each of the various figures at 70 percent of the updated 1984 LLSIL for family sizes of one to six persons. Where the poverty level for a particular family size is greater than the corresponding LLSIL, it is provided instead. Section 4(8) of JTPA defines "economically disadvantaged" as, among other things, an individual whose family income was not in excess of the higher of the poverty level or 70 percent of the LLSIL. Poverty level guidelines were transmitted to States on April 30, 1984.

Table 4 below provides figures for family sizes up to six persons. For families larger than six persons, an amount equal to the difference between the six and the five person family income levels should be added to the six person family income level for each additional person in the family.

TABLE 4.—SEVENTY PERCENT OF UPDATED 1984 LLSIL

Family size					
One	Two	Three	Four [1]	Five	Six
$4980	$6720	$8650	$10670	$12600	$14730
4980	6720	8870	10950	12930	15120
4980	6720	8940	11030	13020	15230
4980	6720	8990	11090	13090	15310
4980	6720	9010	11120	13130	15350
4980	6720	9140	11280	13310	15570
4980	6720	9170	11310	13350	15610
4920	6810	9340	11530	13610	15920
4920	6810	9350	11540	13620	15930
4920	6820	9360	11550	13630	15940
4920	6850	9400	11600	13690	16010
4920	6860	9420	11620	13720	16040
4920	6870	9420	11630	13730	16050
4920	6940	9520	11750	13870	16220
4980	7000	9610	11860	14000	16370
4980	7030	9640	11900	14050	16430
4980	7070	9700	11970	14130	16520
4980	7070	9710	11980	14140	16540
4980	7100	9740	12020	14190	16590
4980	7130	9790	12080	14260	16670
4980	7190	9870	12180	14380	16810
4980	7270	9980	12310	14530	16990
4980	7300	10020	12360	14590	17060
4980	7310	10030	12380	14610	17090
4980	7310	10040	12390	14620	17100
4980	7340	10070	12430	14670	17160
4980	7610	10450	12890	15210	17790
4980	7620	10450	12900	15230	17810
5730	8450	11590	14300	16880	19740
5730	9020	12380	15280	18030	21090
6240	9550	13100	16160	19080	22310
6240	10150	13930	17190	20290	23730

[1] Figures provided above in this notice are for a family size of four persons. To use this table, the appropriate figure should be found in the family size of four column. Then one may read across the row for family sizes other than four in the approporiate columns.

Use of these Data

Based on these data, Governors should provide the appropriate figures to service delivery areas (SDAs) in their States to use in determining eligibility for JTPA programs. See 20 CFR 627.2, 627.21, 628.4. Information may be provided by disseminating information to SMSAs and metropolitan and nonmetropolitan areas within the State, or it may involve further calculations. For example, the State of New Jersey may have 4 or more figures: Metropolitan, nonmetropolitan, for portions of the State in the New York City SMSA, and for those in the Philadelphia SMSA. If an SDA includes areas that would be covered by more than one figure, the Governor may provide for only one figure to be used, and may determine which figure is to be used. Pursuant to the JTPA regulation at 20 CFR 627.1, guidelines, interpretations, and definitions adopted by the Governor shall be accepted by the Secretary.

Disclaimer on Statistical Uses

It should be noted that the publication of these figures is only for the purpose of determining eligibility for JTPA programs. BLS has not revised the lower living family budget since 1981, and has no plans to do so. The four-person urban family budget estimates series has been terminated. The CPI adjustments used to update the LLSIL for this publication are not precisely comparable, most notably because certain tax items were included in the 1981 LLSIL but are not in the CPI. Thus, these figures should not be used for any statistical purposes, and are valid only for eligibility determination purposes under JTPA.

Signed at Washington, D.C., this 30th day of July 1984.

Patrick J. O'Keefe

Deputy Assistant Secretary for Employment Training.

[FR Doc. 84-20916 Filed 8-7-84; 8:45 am]

BILLING CODE 4510-30-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 3H5383/R691; OPP-FRL-2648-2]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Cyano(3-Phenoxyphenyl)Methyl 4-Chloro-Alpha-(1-Methylethyl)Benzeneacetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a food additive regulation to permit residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on food items in food handling establishments where food and food products are held, processed, or prepared. This regulation to establish the maximum permissible level for residues of the insecticide in or on food commodities was requested by the McLaughlin Gormley King Company.

EFFECTIVE DATE: August 8, 1984.

ADDRESS: Written objections identified by the document control number [FAP 3H5383/R691] may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Timothy A. Gardner, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of March 16, 1983 (48 FR 11161) which announced that the McLaughlin Gormley King Company, 8810 Tenth Ave. N., Minneapolis, MN 55427, had submitted food additive petition 3H5383 proposing to amend 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on food items (other than those already covered by a higher tolerance as a result of use on growing crops) in food handling establishments where food and food products are held, processed, or prepared at 0.05 part per million. No comments were received by the Agency in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance include an acute oral rat toxicity study with median lethal dose (LD_{50}) of 1 to 3 grams (g)/kilogram (kg) of body weight (bw) (water vehicle) and 450 milligrams (mg)/kg of bw (dimethylsulfoxide (DMSO) vehicle); a 90-day dog feeding study with a no-observed-effect level (NOEL) of 500 ppm (highest dose tested); a 90-day rat feeding study with a NOEL of 125 ppm; an 18-month mouse feeding study with a NOEL of less than 100 ppm with no oncogenic effects at the highest level fed (3,000 ppm); a 24-month mouse feeding study with a NOEL of 10 to 50 ppm for males and 50 to 250 ppm for females (no oncogenic effects were noted at 1,250 ppm, the highest dose tested); a 24-month rat feeding study that demonstrated no oncogenic effects at 1,000 ppm (only level tested; significantly decreased body weight was observed at this dose level); a 2-year rat feeding study with a NOEL of 250 ppm (highest level fed)—no oncogenic effects were observed; a 3-generation rat reproduction study with a NOEL of 250 ppm (highest level fed); teratology studies (in mice and rabbits, both negative at the highest level dose of 50 mg/kg of bw/day); and the following mutagenicity studies: Mouse dominant lethal (negative at 100 mg/kg of bw, which was the highest level fed); mouse host-mediated bioassay (negative at 50 mg/kg of bw, which was the highest level fed); AMES test in vitro (negative); and bone marrow cytogenic study in the Chinese hamster (negative at 25 mg/kg of bw). The following studies assessing neurological effects were performed: A hen study negative at 1.0 g/kg of bw for 5 days, repeated at 21 days; a rat (8-day) acute study with a NOEL of 200 mg/kg of bw; a 15-month rat feeding study which resulted in a systemic NOEL of 500 ppm and a NOEL of 1,500 ppm with respect to nerve damage.

The acceptable daily intake (ADI) is calculated to be 0.1250 mg/kg/day based on the 2-year rat feeding study and using a 100-fold safety factor. The maximum permissible intake (MPI) has been calculated to be 7.5000 mg/day (60 kg). Approval of the tolerances for food handling establishments where food and food products are held, processed, or prepared would result in a theoretical maximum residue contribution (TMRC) of 2.3112 mg/day (1.5 kg) and utilize 30.82 percent of the ADI.

The nature of the residue is adequately understood for this use, and an adequate analytical method, gas chromatography, is available for enforcement purposes.

There are currently no regulatory actions pending against the continued registration of this pesticide and no other considerations are involved in establishing this tolerance.

The pesticide is considered useful for the purpose for which the regulation is sought. It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*). Therefore, the regulation is established as set forth below.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Part 193

Food additives, Pesticides and pests.

Dated: July 30, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 193—[AMENDED]

Therefore, 21 CFR Part 193 is amended by adding a new § 193.97 to read as follows:

§ 193.97 Cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate.

(a) A food additive tolerance of 0.05 ppm is established for residues of insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate as follows:

(1) In or on all food items (other than those already covered by a higher tolerance as a result of use on growing

crops) in food handling establishments where food and food products are held, processed, or prepared.

(2) Application shall be limited to space treatment with a maximum of 0.5 fl. oz. of a 0.05 percent active ingredient solution per 1,000 cu. ft. of space, or as a contact spray applied as a coarse wet spray at a maximum of 1 gallon of a 0.2 percent active ingredient solution per 1,000 sq. ft. of surface. Food must be removed or covered during treatment. Spray should not be applied directly to surfaces or utensils that may come into contact with food. Food contact surfaces and equipment should be thoroughly cleaned before using.

(3) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

[FR Doc. 84-20840 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

21 CFR Part 561

[FAP 3H5413/R693; OPP-FRL-2650-5]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; 2-[1-(Ethoxyimino)Butyl]-5-[2-(Ethylthio)Propyl]-Hydroxy-2-Cyclohexene-1-One

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a regulation to permit the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites in or on the feed commodity sugar beet molasses. This regulation to establish a maximum permissible level for the combined residues of the herbicide in or on the commodity was requested pursuant to a petition by BASF Wyandotte Corp.

EFFECTIVE DATE: August 8, 1984.

ADDRESS: Written objections, identified by the document control number [FAP 3H5413/R693], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Robert J. Taylor, Product Manager (PM-25), Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of October 26, 1983 (48 FR 29543), which announced that BASF Wyandotte Corp., 100 Cherry Hill Rd., Parsippany, NJ 07054, had filed feed additive petition 3H5413 with the EPA proposing to amend 21 CFR Part 561 by establishing a regulation permitting the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl-3-hydroxy-2-cyclohexene-1-one and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the feed commodities sunflower meal at 14.0 parts per million (ppm), sugar beet molasses at 0.2 ppm, and peanut soapstock at 60.0 ppm.

The petitioner subsequently amended the petition by withdrawing the tolerances for sunflower meal and peanut soapstock and requesting the establishment of the tolerance for sugar beet molasses at 0.5 ppm.

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

The data submitted in the petition and other relevant material have been evaluated and discussed in a related final rule document (PP 3F2950/R692) appearing elsewhere in this issue of the **Federeal Register** that establishes a tolerance on sugar beet tops and sugar beet roots.

The pesticide is considered useful for the purpose for which the regulation is sought. It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 7 U.S.C. 136 *et seq.)*. Therefore, the regulation is established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

List of Subjects in 21 CFR Part 561

Feed additives, Pesticides and pests.

Dated: July 31, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore, 21 CFR 561.430 is revised to read as follows:

§ 561.430 2-[1-(Ethoxyimino)butyl]-5-[2-(ethylthio)propyl-3-hydroxy-2-cyclohexene-1-one.

Tolerances are established for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl-3-hydroxy-2-cyclohexene-1-one and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the following commodities:

Feed	Parts per million
Cottonseed soapstock	15
Sugar beet molasses	0.5

[FR Doc. 84-20985 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, and 7

[T.D. ATF-180; Ref: Notice Nos. 313, 362, 375, 394, and 407]

Labeling and Advertising Regulations Under the Federal Alcohol Administration Act

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

ACTION: Treasury decision, final rule.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing regulations concerning the labeling and advertising of wine, distilled spirits, and malt beverages. This final rule prescribes new regulations, amends and updates current regulations, and incorporates, where appropriate, prior ATF decisions on advertising and labeling matters issued as rulings and industry circulars into the regulations. ATF believes these regulations result in deregulation in some areas and provide a single comprehensive source of rules and guidelines for industry. Also, the regulations provide the consumer with protection against false or misleading labeling and advertising statements and claims.

EFFECTIVE DATE: September 7, 1984.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta or Roger L. Bowling, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC. 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

The Federal Alcohol Administration Act (FAA Act) provides, in part, for regulation of the labeling and advertising of distilled spirits, wine, and malt beverages in sections 5 (e) and (f), 27 U.S.C. 205 (e) and (f). These sections give the Secretary the authority to issue regulations intended to prevent deception of the consumer, to provide the consumer with adequate information as to the identity and quality of the product, and to prohibit false or misleading statements. It should be noted that the FAA Act regulates the manner in which certain advertisements are presented and does not extend to the point of prohibiting all advertising of alcohol beverages. Furthermore, section 5(f) of the Act specifically permits the advertising of alcohol beverages in all media, including radio and television. Accordingly, ATF does not have the authority to issue a regulation which would prohibit all alcohol beverage advertisements. However, ATF does have the authority to issue regulations prohibiting any advertising which is false or misleading.

Subject to certain jurisdictional limitations, the FAA Act requires that any alcohol beverage advertisement and label must be in conformity with the prescribed regulations (27 CFR Part 4; Part 5; and Part 7). These regulations specifically state what mandatory information is required to appear on a label or in an advertisement, and specify what is prohibited from appearing on labels and in advertisements. ATF and its predecessor agencies have utilized rulings and industry circulars for expressing interpretations of these regulations. Conformity to the labeling regulations is controlled by the requirement that no product shall be bottled or shipped unless the permittee has an approved certificate of label approval. Conformity to the advertising regulations is controlled by agency review of advertising material submitted voluntarily by industry members before release in the media, by ATF's post-review of advertising in the media, and inspection programs to verify advertising claims.

Need for New or Revised Regulations

In Notice No. 362 (December 19, 1980; 45 FR 83530), ATF cited the following four reasons for reviewing current regulations and proposing regulatory amendments:

(a) Many of the existing regulations are based on testimony presented at public hearings held during the mid- to late-1930's. Regulations adopted at that time may be out of date due to technological advances made in the advertising industry and the increased awareness and understanding on the part of consumers.

(b) Some regulations may be too broad and undefined for consistent application by industry members. Further, ATF wishes to regulate only where necessary, and then only to the extent necessary to achieve the intent of the statute.

(c) There are many interpretative rulings and circulars relating to labeling and advertising matters. ATF wishes to incorporate necessary rulings into the regulations, thus providing a single source of rules and guidelines for all concerned.

(d) Unnecessary regulations, rulings, and industry circulars should be eliminated.

The following rulings are either incorporated into the regulations or their provisions become obsolete upon the effective date of this Treasury decision: FA–174, June 5, 1939; Rev. Rul. 54–163, 1954–1 C.B. 342; Rev. Rul. 54–294, 1954–2 C.B. 571; Rev. Rul. 54–325, 1954–2 C.B. 590; Rev. Rul. 54–341, 1954–2 C.B. 592; Rev. Rul. 54–512, 1954–2 C.B. 592; and Rev. Rul. 55–43, 1955–1 C.B. 617.

Comments and Public Hearing

Notice No. 362, which proposed specific regulatory language, was published on December 19, 1980 (45 FR 83530), with a 90-day comment period. Notice No. 407 (March 19, 1982; 47 FR 11884) reopened the comment period for an additional 30 days. During these times, a total of 344 comments, representing 441 individual commenters, were received on the notice of proposed rulemaking.

Two notices, Nos. 375 and 394 (July 20, 1981, 46 FR 37282, and November 10, 1981, 46 FR 55549, respectively), provided interested persons an opportunity to present oral testimony at public hearings. The first hearing was held in Washington, DC, on September 9 and 10, 1981, at which 16 persons testified. Ten persons testified at the hearing held in San Francisco, California, on December 10, 1981. The hearing testimony was a reinforcement of the comments received by the Witnesses during the original comment periods.

The comments and testimony generally supported ATF's objectives of the rulemaking project, that is, to modernize the regulations, provide a single source of guidelines, and to preclude false and misleading labeling and advertising statements and claims. However, modifications and suggestions, some significant and others minor, were indicated.

Comments were submitted by members of the alcohol beverage industry and their trade associations, advertising agencies and their trade associations, broadcasting associations, attorneys, foreign governments, public and private organizations, educational institutions, church groups, and private individuals.

Proposals Not Adopted in This Treasury Decision

A number of proposals made in Notice No. 362 are not adopted in this final rule Due to the complexity and controversy surrounding these issues, they will be continued in subsequent notices of proposed rulemaking on each individual issue separately.

Further rulemaking will be forthcoming on the areas of athletes and athletic events; the possible incorporation of voluntary industry advertising codes; and standards on the use of "Light" (lite) as the term applies to the labeling and advertising of wine, distilled spirits, and malt beverages. As to the use of the term "natural," ATF is studying this issue and will determine at a latter date if further rulemaking will be initiated.

Definitions of False and Disparaging

ATF proposed regulatory definitions for "false" and "disparaging," in an attempt to clarify its position on their use and prohibitions, especially in the case of "disparaging," and because the terms have a close relationship with comparative advertising practices.

The proposed definition for "false" was any untrue representation, either expressed or implied; and for "disparaging," claims or statements that are false or would mislead the consumer as to a competitor's product. Eight persons commented on these proposed definitions; two supported the proposals, two believed that "disparaging" should be clarified even further, two stated that truthful disparaging statements should be permitted, and two believed that the proposed definitions were unnecessary.

ATF has reconsidered its reasons for proposing regulatory definitions of these terms and now believes that such definitions would serve no useful purpose. ATF believes that the existing regulations provide sufficient authority to effectively prevent abuses in this area.

ATF is maintaining the long-standing policy that a competitor's product is disparaged when statements or claims about the product, or relating to the product, are false or would tend to mislead the consumer. This policy does not preclude "puffery" statements made about one's own product, nor does it prohibit truthful, nonmisleading comparative statements or claims that may or may not place the competitor's product in an unfavorable light. A statement such as "tastes as good as *competitor's brand name*," is puffery. However, a statement such as "our product contains no arsenic," although truthful, would be considered to be disparaging since it implies that other products do contain arsenic. Determination of whether statements or claims are disparaging or not will be made on a case-by-case basis. Therefore, ATF urges that all advertising material be pre-cleared to avoid problems which could arise.

Regulatory Proposals Adopted in This Treasury Decision

Definition of Advertising

In proposing the revised definition of "advertising," ATF added many items that are included as advertising material: Leaflets, catalogs, public transit cards, etc., and reiterated two exceptions to the definition of advertising—a label or other matter constituting a part of labeling, and other reading material, including news releases. In addition, ATF is clarifying the definition of "advertising" by adding "other matter accompanying the container." The current exclusion to advertising includes coverings, cartons, etc., which constitute a part of labeling. However, when items such as hang-tags accompany the container, they are considered advertising matter. Labels must be firmly affixed to the container, hang-tags are usually tied or slipped over the neck of the bottle. Therefore, when other matter accompanies the container and is not firmly affixed as a label, such matter is advertising material and must bear the mandatory statements.

Five comments were received, all favoring the proposed definition. Therefore, ATF is adopting the regulation. However, ATF has held that statements and representations on cases, other than the mandatory information, are advertising matter. As a matter of clarity, ATF is adding this reference to the definition of "advertising."

Four commenters suggested that consumer specialty items, such as Tee-shirts, key chains, towels, and bottle openers, should be excepted from the definition of "advertising." ATF believes that such items are important facets of advertising the company name or brand name of a product to the consumer. Because of this, ATF believes some control over what is stated on consumer specialty items should be maintained for agency review. However, ATF sees no reason that such items should be subject to the mandatory information provisions required to appear in advertisements. The main thrust of such items is the company name or brand name. ATF believes that consumers do not expect to see the mandatory information displayed on consumer specialty items. Further, consumer specialty items are usually not manufactured by the industry member, but by other firms under contract to use the company name or brand name of the industry member. Since these manufacturing firms do not hold a basic permit issued under the FAA Act, ATF has no authority to require that they comply with the regulations governing advertising. Therefore, ATF is amending the regulations to maintain consumer specialty items under the definition of "advertising," but will not require the mandatory information to be stated on these items.

Regulations in 27 CFR 4.64(b), 5.65(b), and 7.54(b) prohibit any statement in advertising that is inconsistent with any statement on the labeling of the product. ATF is clarifying this section by adding the long-standing policy that any labels depicted on bottles in advertisements must be reproductions of approved labels. The depiction of a label on a bottle in an advertisement that does not appear on the actual container of the product that a consumer may purchase is misleading. Therefore, ATF believes that labels on bottles depicted in advertisements should be reproductions of approved labels, thus conveying truthful information about the labels that are affixed to the actual containers of the product.

Legibility of Mandatory Information

ATF proposed that the mandatory information in advertisements appear conspicuous and readily legible from a distance at which the advertisement is intended to be, and is customarily viewed, and that the size of type be increased proportionately to the size of the advertisement. Further, ATF proposed to incorporate the Note to 27 CFR 4.63, which discusses general requirements as to the placement of mandatory information, in the appropriate regulations in 27 CFR Parts 4, 5, and 7.

Five commenters responded to this issue. Two believed that no mandatory information should be required in advertisements; one stated that the two millimeter type size requirement should be reduced to one millimeter; and two commenters stated "readily legible" was sufficient. These two commenters also stated that the requirement that the type size be increased proportionately to the size of the advertisement is unnecessary if the mandatory information must be "readily legible" under any circumstance.

ATF agrees that "readily legible" is sufficient and is a more flexible alternative than requiring an actual type size for advertisements. With the "readily legible" requirement, industry is provided some latitude in designing their advertisements and consumers are provided with the information about the product. Therefore, the specific type size requirement is removed.

The minimum type size requirement was not included in the proposal. The final regulations require that the mandatory information be conspicuous and readily legible. There is no reason to consider reducing the type size since it has been eliminated.

ATF agrees with the two commenters that requiring that the type size be increased proportionately to the advertisement is unnecessary since the mandatory information, in every case, must be conspicuous and readily legible. Therefore, ATF is removing this requirement and otherwise adopting the regulation.

Curative and Therapeutic Effects

ATF proposed a regulation providing that an alcohol beverage label or advertisement shall not contain any statement, design, device, or representation which implies that the

use of the labeled or advertised product has curative or therapeutic effects if the statement or claim is untrue or would tend to create a misleading impression. As drafted, this regulation can be interpreted broadly and provides for numerous statements and claims to appear on labels and in advertisements.

Thirteen commenters responded to this issue. Most stated that "curative and therapeutic" statements and claims should be regulated and interpreted by the dictionary definitions of the two terms, that is, pertaining to the cure and/or treatment of diseases.

Historically, ATF has interpreted "curative and therapeutic" in a sense other than the dictionary meanings. ATF has held that if a statement or claim implied a physical or psychological sensation resulting from consuming an alcohol beverage, it was curative and therapeutic. For example, "relax and have a *brand or product name*" was permitted because the act of relaxing was disassociated from consuming the alcohol beverage. On the other hand, "relax with a *brand or product name*" was held to be curative or therapeutic because the act of relaxing resulted from consuming the alcohol beverage. One commenter stated that this distinction was facetious. Further, ATF has allowed "refresh" to appear on labels and in advertisements of alcohol beverages which are customarily served cold or chilled, and on alcohol beverages not customarily served cold or chilled if the label or advertisement stated "serve cold" or "serve chilled."

ATF has reconsidered its interpretation of "curative and therapeutic" and will consider statements to be curative and therapeutic if they: (a) Imply a connection to the cure and treatment of diseases, if such statement is untrue or tends to create a misleading impression; or (b) imply that a physical or psychological sensation results from consuming the product, if such statement is untrue or tends to create a misleading impression; or (c) are statements and claims of nutritional value, if such statement is untrue or tends to create a misleading impression. Statements concerning caloric, carbohydrate, and fat content of alcohol beverages do not constitute nutritional claims about the product.

ATF continues to subscribe to the position that statements of vitamin content are nutritional claims about the product and may not appear on labels or in advertisements of alcohol beverages. Wine, distilled spirits, and malt beverages generally contain insignificant amounts of vitamins and are not consumed because of their vitamin content. The appearance of a statement of vitamin content on labels or in advertising for alcohol beverages would convey the erroneous impression that consumption of these products has some nutritional value, thus implying a curative or therapeutic effect.

Subliminals

ATF proposed a regulatory section prohibiting the use of subliminal or similar techniques in advertising of alcohol beverages. ATF stated that subliminal or similar techniques refer to any device or technique that is used to convey, or attempts to convey a message to a person by means of images or sounds of a very brief nature that cannot be perceived at a normal level of awareness.

Twenty-two comments were received and a number of witnesses presented oral testimony at the public hearings. Of the 22 comments, representing 52 individuals, all but three supported the proposed prohibition. The main arguments against the proposed regulation were that subliminals were not used in advertising, that the advertising and broadcast industries are self-regulating in this area, and that the Federal Trade Commission (FTC) already prohibits, by regulation, the use of subliminals.

ATF believes that action is necessary in this area. There is increasing concern by consumers over the very nature of alcohol beverage advertising. Further, strong precedent exists for ATF action. The Federal Communications Commission (FCC) has declared the use of subliminals to be contrary to the public interest because they are clearly intended to be deceptive. Furthermore, the FCC saw no need to differentiate between subliminal advertising and subliminal program content.

Subliminal or similar techniques can take many forms in advertising. These forms include placing a frame in a film which appears at a speed at which the observer cannot consciously perceive its presence, but subconsciously, the word, phrase, or scene is registered. Another, and more prevalent, form is the insertion of words or body forms (imbeds) by the use of shadows or shading, or the substitution of forms and shapes generally associated with the body.

Although subliminals or similar techniques are prohibited by the FTC and voluntary advertising and broadcasting codes, ATF has jurisdiction over the advertising of alcohol beverages. Subliminals are inherently deceptive because the consumer does not perceive them at a normal level of awareness, and thus is given no choice whether to accept or reject the message, as is the case with normal advertising. ATF holds that this type of advertising technique is false and deceptive, and is prohibited by law. Therefore, ATF is issuing regulations prohibiting the use of subliminals or similar techniques.

Comparative Advertising-Taste Tests

The proposed regulations regarding comparative advertising outlined specific guidelines for the conducting of taste tests. Twenty-nine comments were received on this issue. Most commenters and witnesses at the public hearing supported the intent and purpose of the proposal, but some believed that ATF was too rigid in its guidelines on taste tests. Conversely, a few commenters stated that the guidelines were too loose.

Concerning taste tests, ATF proposed general guidelines to follow in the conducting of taste tests. Most commenters believed that the guidelines were too strict and confining, in that ATF laid out rules for every step. Most commenters believed that the guidelines should be somewhat broad, thus permitting some degree of flexibility in the manner in which the taste test is conducted. After considering these comments, ATF agrees that the guidelines are restrictive. Further, ATF believes that it should regulate the presentation of the advertisement, not the actual conducting of the taste test or testimonial.

The procedure used to conduct a taste test must be a scientifically accepted procedure. An example of an "accepted procedure" would be a procedure as outlined in the *Manual on Sensory Testing Methods*, ASTM Special Technical Publication 434, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, ASTM, 1968, Library of Congress Catalog Card Number 68–15545. Although ATF is referencing this publication as an accepted procedure, it does not restrict the conducting of taste tests to this procedure only. The onus is placed on the industry member to ascertain that any method used is a scientifically accepted procedure. By taking this approach, flexibility is provided to industry in the manner in which they may conduct a taste test, while the consumer is protected by ensuring that the test results are presented in a manner which is not false, misleading, or disparaging of a competitor's product, and that material facts are not omitted.

AFT is also requiring that the name and address of the testing administrator

appear in the advertisement. This will permit interested persons the opportunity to contact the testing administrator for information regarding the test.

Pure, Double Distilled, Triple Distilled

ATF made proposals to allow the terms pure, double distilled, and triple distilled on labels and in advertisements of distilled spirits when they reflected a truthful statement about the product. Sixteen persons responded to this issue, with 12 supporting the proposal. The opposition arose primarily on the use of "pure." Two commenters supporting the use of "pure" stated that it should refer to particular ingredients only, not the finished distilled spirits product. This restriction was the proposal made in the notice of proposed rulemaking.

ATF believes that when the word "pure" reflects a truthful statement about a particular ingredient, such as "pure water," it should be allowed to be stated. However, the word "pure" may not be used to describe the finished product, such as "pure gin." Therefore, ATF is amending the regulations to allow for such statements and claims on labels and in advertisements of distilled spirits. Further, the present use of "pure" when it is part of the bona fide name of a permittee or retailer for whom the distilled spirits are bottled is retained. One commenter suggested that the word "pure" should be allowed to appear in the name of the permittee who bottles the distilled spirits. ATF has no objection to this and is amending the regulation accordingly.

ATF proposed to remove the prohibition against the use of "double distilled" and "triple distilled." Regulations are amended to remove it. Therefore, when these terms represent a truthful statement about a product, they may appear on labels and in advertisements for distilled spirits. ATF reserves the right, however, to request a statement of the method of manufacture or statement of process to verify that certain products are indeed "double" or "triple distilled." The statement of process shall include the distillation steps and indicate at what points during the production process the distillation processes occur.

These terms, when used on labels, represent steps taken in the production process that are not necessary to produce a finished distilled spirits product. Some distilled spirits are produced with a necessary second distillation step, for example, redistilling neutral spirits grain with juniper berries to produce gin. Therefore, "double distilled" or "triple distilled" will not be allowed to appear on labels of products when a second or third distillation step is necessary to produce the product.

Compliance With Executive Order 12291

It has been determined that these final regulations are not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because they will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) Major increases in costs or prices of consumers, individual industries, Federal, State, or local government agencies, or geographic regions;

(c) 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.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to the initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because it will not have a signficant economic impact on a substantial number of small entities because the regulations are not mandated; industry members advertise at their option, not by regulatory requirement. The final rule will not have significant or incidental effects on a substantial number of small entities; or impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibilty Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Disclosure

Copies of the advance notice, the notice, the hearing transcripts, this final rule, and all comments received pursuant to the notices are available for public inspection during normal business hours at: Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers.

27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, Labeling.

Drafting Information

The principal author of this document is Roger L. Bowling of the FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

Accordingly, under the authority contained in section 5 of the Federal Alcolohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Parts 4, 5, and 7 are amended as follows:

PART 4—LABELING AND ADVERTISING OF WINE

Paragraph 1. The table of sections in 27 CFR Part 4, Subpart G is amended to revise the titles of §§ 4.63 and 4.64 and to add an entry for § 4.65 to read as follows:

Subpart G—Advertising of Wine

Sec.

* * * * *

4.63 Legibility of mandatory information.
4.64 Prohibited practices.
4.65 Comparative advertising.

Subpart D—Labeling Requirements for Wine

Par. 2. Section 4.39 is amended to revise paragraphs (a) (1) and (5); and to revise paragraph (h) to change the paragraph title and clarify the prohibition to read as follows:

§ 4.39 Prohibited practices.

(a) *Statement on labels.* * * *

(1) Any statement that is false or untrue in any particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter, tends to create a misleading impression.

* * * * *

(5) Any statement, design, device or representation of or relating to any guarantee, irrespective of falsity, which

the Director finds to be likely to mislead the consumer. Money-back guarantees are not prohibited.

* * * * *

(h) *Curative and therapeutic claims.* Labels shall not contain any statement, design, representation, pictorial representation, or device representing that the use of wine has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

Subpart G—Advertising of Wine

Par. 3. Section 4.60 is revised to incorporate a reference to television broadcast and to make reference to new sections to read as follows:

§ 4.60 Application.

No person engaged in the business as a producer, rectifier, blender, importer, or wholesaler of wine, directly or indirectly or through an affiliate, shall publish or disseminate or cause to be published or disseminated by radio or television broadcast, or in any newspaper, periodical, or any publication, by any sign or outdoor advertisement, or any other printed or graphic matter, any advertisement of wine, if such advertising is in, or is calculated to induce sale in, interstate or foreign commerce, or is disseminated by mail, unless such advertisement is in conformity with §§ 4.60–4.65 of this part. Provided, that such sections shall not apply to outdoor advertising in place on September 7, 1984, but shall apply upon replacement, restoration, or renovation of any such advertising; and provided further, that such sections shall not apply to a retailer or the publisher of any newspaper, periodical, or other publication, or radio or television broadcast, unless such retailer or publisher or radio or television broadcaster is engaged in business as a producer, rectifier, blender, importer, or wholesaler of wine, directly or indirectly, or through an affiliate.

Par. 4. Section 4.61 is revised to incorporate prior revenue rulings into the regulations; to make reference to new sections; and to include matter accompanying the container under the definition of advertising to read as follows:

§ 4.61 Definitions.

As used in §§ 4.60–4.65 of this part, the term "advertisement" includes any written or verbal statement, illustration, or depiction which is in, or calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, whether it appears in a newspaper, magazine, trade booklet, menu, wine card, leaflet, circular, mailer, book insert, catalog, promotional material, sales pamphlet, or any written, printed, graphic, or other matter accompanying the container, representations made on cases, billboard, sign, or othe outdoor display, public transit card, other periodical literature, publication, or in a radio or television broadcast, or in any other media; except that such term shall not include:

(a) Any label affixed to any container of wine, or any individual covering, carton, or other wrapper of such container which constitute a part of the labeling under provisions of §§ 4.30–4.39 of this part.

(b) Any editorial or other reading material (*i.e.*, news release) in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any permittee, and which is not written by or at the direction of the permittee.

Par. 5. Section 4.62 is amended by adding new paragraph (c) to read as follows:

§ 4.62 Mandatory statements.

* * * * *

(c) *Exception.* (1) If an advertisement refers to a general wine line or all of the wine products of one company, whether by the company name or by the brand name common to all the wine in the line, the only mandatory information necessary is the name and address of the responsible advertiser. This exception does not apply where only one type of wine is marketed under the specific brand name advertised.

(2) On consumer specialty items, the only information necessary is the company name or brand name of the product.

Par. 6. Section 4.63 is revised to change the title of the section; to make reference to new sections; to designate the existing paragraph as paragraph (a); and designate the Note as paragraphs (b), (c), (d), and (e) to read as follows:

§ 4.63 Legibility of mandatory information.

(a) Statements required under §§ 4.60–4.65 of this part to appear in any written, printed, or graphic advertisement shall be in lettering or type size sufficient to be conspicuous and readily legible.

(b) In the case of signs, billboards, and displays the name and address of the permittee responsible for the advertisement may appear in type size of lettering smaller than the other mandatory information, provided such information can be ascertained upon closer examination of the sign or billboard.

(c) Mandatory information shall be so stated as to be clearly a part of the advertisement and shall not be separated in any manner from the remainder of the advertisement.

(d) Mandatory information for two or more products shall not be stated unless clearly separated.

(e) Mandatory information shall be so stated in both the print and audio-visual media that it will be readily apparent to the persons viewing the advertisement.

Par. 7. Section 4.64 is amended to revise the title of the section; to revise paragraph (a)(1); to revise paragraph (a)(5) to include a reference to money-back gurantees; to revise paragraph (a)(8); to include a reference to wine labels displayed in advertising media to revise paragraph (b); to revise paragraph (i) to change the paragraph title and clarify the prohibition; and to add a new paragraph (k) to read as follows:

§ 4.64 Prohibited practices.

(a) *Restrictions.* * * *

(1) Any statement that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter tends to create a misleading impression.

* * * * *

(5) Any statement, design, device, or representation of or relating to any guarantee, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Money-back guarantees are not prohibited.

* * * * *

(8) Any statement, design, device, or representation which relates to alcohol content or which tends to create the impression that a wine:

(i) Contains distilled spirits; or

(ii) Is comparable to a distilled spirit; or

(iii) Has intoxicating qualities.

However, if a statement of composition is required to appear as the designation of a product not defined in these regulations, such statement of composition may include a reference to the type of distilled spirits contained therein. Further, an approved wine label, which bears the statement of alcohol content may be depicted in any advertising media, or an actual wine bottle showing the approved label bearing the statement of alcoholic content may be displayed in any advertising media.

(b) *Statements inconsistent with labeling.* (1) Advertisements shall not contain any statement concerning a brand or lot of wine that is inconsistent

with any statement on the labeling thereof.

(2) Any label depicted on a bottle in an advertisement shall be a reproduction of an approved label.

* * * * *

(i) *Curative and therapeutic claims.* Advertisements shall not contain any statement, design, representation, pictorial representation, or device representing that the use of wine has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

* * * * *

(k) *Deceptive advertising techniques.* Subliminal or similar techniques are prohibited. "Subliminal or similar techniques," as used in this part, refers to any device or technique that is used to convey, or attempts to convey, a message to a person by means of images or sounds of a very brief nature that cannot be perceived at a normal level of awareness.

Par. 8. A new section, § 4.65, is added to read as follows:

§ 4.65 Comparative advertising.

(a) *General.* Comparative adverstising shall not be disparaging of a competitor's product.

(b) *Taste tests.* (1) Taste test results may be used in advertisements comparing competitors' products unless they are disparaging, deceptive, or likely to mislead the consumer.

(2) The taste test procedure used shall meet scientifically accepted procedures. An example of a scientifically accepted procedure is outlined in the *Manual on Sensory Testing Methods,* ASTM Special Technical Publication 434, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, ASTM, 1968, Library of Congress Catalog Card Number 68–15545.

(3) A statement shall appear in the advertisement providing the name and address of the testing administrator.

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Par. 9. The table of sections in 27 CFR Part 5, Subpart H is amended to revise the titles of §§ 5.64 and 5.65 and to add an entry for § 5.66 to read as follows:

Subpart H—Advertising of Distilled Spirits

Sec.

* * * * *

5.64 Legibility of mandatory information.
5.65 Prohibited practices.
5.66 Comparative advertising.

Subpart D—Labeling Requirements for Distilled Spirits

Par. 10. Section 5.42 is amended to revise paragraphs (a)(1), (a)(5), (b)(5), and (b)(6); and to revise paragraph (b)(8) to change the paragraph title and clarify the prohibition to read as follows:

§ 5.42 Prohibited practices.

(a) *Statements on labels.* * * *

* * * * *

(1) Any statement that is false or untrue in any particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter, tends to create a misleading impression.

* * * * *

(5) Any statement, design, device, or representation of or relating to any guarantee, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Money-back guarantees are not prohibited.

(b) *Miscellaneous.*

* * * * *

(5) The word "pure" shall not be stated upon labels unless:

(i) It refers to a particular ingredient used in the production of the distilled spirits, and is a truthful representation about that ingredient; or

(ii) It is part of the bona fide name of a permittee or retailer for whom the distilled spirits are bottled.

(ii) It is part of the bona fide name of the permittee who bottled the distilled spirits.

(6) Distilled spirits shall not be labeled as "double distilled" or "triple distilled" or any similar term unless it is a truthful statement of fact; except that "double distilled" or "triple distilled" shall not be permitted on labels of distilled spirits produced by the redistillation method when a second or third distillation step is a necessary distillation process for the production of the product.

* * * * *

(8) Curative and therapeutic claims. Labels shall not contain any statement, design, representation, pictorial representation, or device representing that the use of distilled spirits has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

Subpart H—Advertising of Distilled Spirits

Par. 11. Section 5.61 is revised to incorporate a reference to television broadcast and to make reference to new sections to read as follows:

§ 5.61 Application.

No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler of distilled spirits, directly or indirectly or through an affiliate, shall publish or disseminate or cause to be published or disseminated by radio or television broadcast, or in any newspaper, periodical, or any publication, by any sign or outdoor advertisement, or any other printed or graphic matter, any advertisement of distilled spirits, if such advertising is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, unless such advertisement is in conformity with §§ 5.61–5.66 of this part. Provided, that such sections shall not apply to outdoor advertising in place on (effective date of this treasury decision), but shall apply upon replacement, restoration, or renovation of any such advertising; and provided further, that such sections shall not apply to a retailer or the publisher of any newspaper, periodical, or other publication, or radio or television broadcast, unless such retailer or publisher or radio or television broadcaster is engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler of distilled spirits, directly or indirectly, or through an affiliate.

Par. 12. Section 5.62 is revised to incorporate prior revenue rulings into the regulations; to make reference to new sections; and to include matter accompanying the bottle under the definition of advertising to read as follows:

§ 5.62 Definition.

As used in §§ 5.61–5.66 of this part, the term "advertisement" includes any written or verbal statement, illlustration, or depiction which is in, or calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, whether it appears in a newspaper, magazine, trade booklet, menu, wine card, leaflet, circular, mailer, book insert, catalog, promotional material, sales pamphlet, or in any written, printed, graphic, or other matter accompanying the bottle, representations made on cases or in any billboard, sign, other outdoor display, public transit card, other periodical literature, publication, or in a radio or television broadcast, or in any other media; except that such term shall not include:

(a) Any label affixed to any bottle of distilled spirits; or any individual covering, carton, or other container of

the bottle which constitute a part of the labeling under §§ 5.31–5.42 of this part.

(b) Any editorial or other reading material (*i.e.*, news release) in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any permittee, and which is not written by or at the direction of the permittee.

Par. 13. Section 5.63 is amended to add a new paragraph (e) to read as follows:

§ 5.63 Mandatory statements.

* * * * *

(e) *Exception.* (1) If an advertisement refers to a general distilled spirits line or all of the distilled spirits products of one company, whether by the company name or by the brand name common to all the distilled spirits in the line, the only mandatory information necessary is the name and address of the responsible advertiser. This exception does not apply where only one type of distilled spirits is marketed under the specific brand name advertised.

(2) On consumer specialty items, the only information necessary is the company name or brand name of the product.

Par. 14. Section 5.64 is revised to change the title of the section, to make reference to new sections; to designate the existing paragraph as paragraph (a); and designate to the Note contained in 27 CFR 4.63 as paragraphs (b), (c), (d), and (e) to read as follows:

§ 5.64 Legibility of mandatory information.

(a) Statements required under §§ 5.61–5.66 of this part to appear in any written, printed, or graphic advertisement shall be in lettering or type size sufficient to be conspicuous and readily legible.

(b) In the case of signs, billboards, and displays the name and address of the permittee responsible for the advertisement may appear in type size of lettering smaller than the other mandatory information, provided such information can be ascertained upon closer examination of the sign or billboard.

(c) Mandatory information shall be so stated as to be clearly a part of the advertisement and shall not be separated in any manner from the remainder of the advertisement.

(d) Manadatory information for two or more products shall not be stated unless clearly separated.

(e) Mandatory information shall be so stated in both the print and audio-visual media that it will be readily apparent to the persons viewing the advertisement.

Par. 15. Section 5.65 is amended to revise the title of the section; to revise paragraphs (a) (1), (5), (8), and (9); to revise paragraphs (b) and (d); and to include a new paragraph (h) to read as follows:

§ 5.65 Prohibited practices.

(a) *Restrictions.* * * *

(1) Any statement that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter tends to create a misleading impression.

* * * * *

(5) Any statement, design, device, or representation of or relating to any guarantee, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Money-back guarantees are not prohibited.

* * * * *

(8) The word "pure" unless:

(i) It refers to a particular ingredient used in the production of the distilled spirits, and is a truthful representation about the ingredient; or

(ii) It is part of the bona fide name of a permittee or retailer from whom the distilled spirits are bottled; or

(iii) It is part of the bona fide name of the permittee who bottled the distilled spirits.

(9) The words "double distilled" or "triple distilled" or any similar terms unless it is a truthful statement of fact; except that "double distilled" or "triple distilled" shall not be permitted in advertisements of distilled spirits produced by the redistillation method when a second or third distillation step is a necessary distillation process for the production of the product.

(b) *Statements inconsistent with labeling.* (1) Advertisements shall not contain any statement concerning a brand or lot of distilled spirits that is inconsistent with any statement on the labeling thereof.

(2) Any label depicted on a bottle in an advertisement shall be a reproduction of an approved label.

* * * * *

(d) *Curative and therapeutic claims.* Advertisements shall not contain any statement, design, representation, pictorial representation, or device representing that the use of distilled spirits has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

* * * * *

(h) *Deceptive advertising techniques.* Subliminal or similar techniques are prohibited. "Subliminal or similar techniques," as used in this part, refers to any device or technique that is used to convey, or attempts to convey, a message to a person by means of images or sounds of a very brief nature that cannot be perceived at a normal level of awareness.

Par. 16. A new section, § 5.66, is added to read as follows:

§ 5.66 Comparative advertising.

(a) *General.* Comparative advertising shall not be disparaging of a competitor's product.

(b) *Taste tests.* (1) Taste test results may be used in advertisements comparing competitors' products unless they are disparaging, deceptive, or likely to mislead the consumer.

(2) The taste test procedure used shall meet scientifically accepted procedures. An example of a scientifically accepted procedure is outlined in the *Manual on Sensory Testing Methods,* ASTM Special Technical Publication 434, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, ASTM, 1968, Library of Congress Catalog Card Number 68–15545.

(3) A statement shall appear in the advertisement providing the name and address of the testing administrator.

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

Par. 17. The table of sections in 27 CFR Part 7, Subpart F is amended to revise the titles of §§ 7.53 and 7.54 and to add an entry for § 7.55 as follows:

Subpart F—Advertising of Malt Beverages

Sec.

* * * * *

7.53 Legibility of mandatory information.
7.54 Prohibited practices.
7.55 Comparative advertising.

Subpart C—Labeling Requirements for Malt Beverages

Par. 18. Section 7.29 is amended to revise paragraph (a)(1); to revise paragraph (a)(5) to make a reference to money-back guarantees; and to revise paragraph (e) to change the paragraph heading and clarify the prohibition to read as follows:

§ 7.29 Prohibited practices.

(a) *Statements on labels.* * * *

(1) Any statement that is false or untrue in any particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or

technical matter, tends to create a misleading impression.

* * * * *

(5) Any statement, design, device, or representation of or relating to any guarantee, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Money-back guarantees are not prohibited.

* * * * *

(e) *Curative and therapeutic claims.* Labels shall not contain any statement, design, representation, pictorial representation, or device representing that the use of malt beverages has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

* * * * *

Subpart F—Advertising of Malt Beverages

Par. 19. Section 7.50 is revised to incorporate a reference to television broadcast and to make reference to new sections to read as follows:

§ 7.50 Application.

No person engaged in business as a brewer, wholesaler, or importer, of malt beverages directly or indirectly or through an affiliate, shall publish or disseminate or cause to be published or disseminated by radio or television broadcast, or in any newspaper, periodical, or any publication, by any sign or outdoor advertisement, or in any other printed or graphic matter, any advertisement of malt beverages, if such advertising is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, unless such advertisement is in conformity with §§ 7.50–7.55 of this part. Provided, that such sections shall not apply to outdoor advertising in place on (effective date of this Treasury decision), but shall apply upon replacement, restoration, or renovation of any such advertising; and provided further, that §§ 7.50–7.55 of this part shall apply to advertisements of malt beverages intended to be sold or shipped or delivered for shipment, or otherwise introduced into or received in any State from any place outside thereof, only to the extent that the laws of such State impose similar requirements with respect to advertisements of malt beverages manufactured and sold or otherwise disposed of in such State. And provided further that such sections shall not apply to a retailer or the publisher of any newspaper, periodical, or other publication, or radio or television broadcast, unless such retailer or publisher or radio or television broadcaster is engaged in business as a brewer, wholesaler, bottler, or importer of malt beverages, directly or indirectly, or through an affiliate.

Par. 20. Section 7.51 is revised to incorporate prior revenue rulings into the regulations; to make reference to new sections; and to include matter accompanying the container under the definition of advertising to read as follows:

§ 7.51 Definitions.

As used in §§ 7.50–7.55 of this part, the term "advertisement" includes any written or verbal statement, illustration, or depiction which is in, or calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, whether it appears in a newspaper, magazine, trade booklet, menu, wine card, leaflet, circular, mailer, book insert, catalog, promotional material, sales pamphlet, or in any written, printed, graphic, or other matter accompanying the container, representations made on cases, or in any billboard, sign, or other outdoor advertisement, public transit card, other periodical literature, publication, or in a radio or television broadcast, or in any other media; except that such term shall not include:

(a) Any label affixed to any container of malt beverages; or any coverings, cartons, or cases of containers of malt beverages used for sale at retail which constitute a part of the labeling under §§ 7.20–7.29 of this part.

(b) Any editorial or other reading material (*i.e.*, news release) in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any brewer, and which is not written by or at the direction of the brewer.

Par. 21. Section 7.52 is amended to add a new paragraph (c) to read as follows:

§ 7.52 Mandatory statements.

* * * * *

(c) *Exception.* (1) If an advertisement refers to a general malt beverage line or all of the malt beverage products of one company, whether by the company name or by the brand name common to all the malt beverages in the line, the only mandatory information necessary is the name and address of the responsible advertiser. This exception does not apply where only one type of malt beverage is marketed under the specific brand name advertised.

(2) On consumer specialty items, the only information necessary is the company name or brand name of the product.

Par. 22. Section 7.53 is revised to change the title of the section; to make reference to new sections; to designate the existing paragraph as paragraph (a); and to designate the Note contained in 27 CFR 4.63 as paragraphs (b), (c), (d), and (e) to read as follows:

§ 7.53 Legibility of mandatory information.

(a) Statements required under §§ 7.50–7.55 of this part that appear in any written, printed, or graphic advertisement shall be in lettering or type size sufficient to be conspicuous and readily legible.

(b) In the case of signs, billboards, and displays the name and address of the permittee responsible for the advertisement may appear in type size of lettering smaller than the other mandatory information, provided such information can be ascertained upon closer examination of the sign or billboard.

(c) Mandatory information shall be so stated as to be clearly a part of the advertisement and shall not be separated in any manner from the remainder of the advertisement.

(d) Mandatory information for two or more products shall not be stated unless clearly separated.

(e) Mandatory information shall be so stated in both the print and audiovisual media that it will be readily apparent to the persons viewing the advertisement.

Par. 23. Section 7.54 is amended to revise the title of the section; to revise paragraphs (a)(1), (a)(5), and paragraphs (b) and (c), to revise paragraph (e) to change the paragraph heading and clarify the prohibition; and to add a new paragraph (h) to read as follows:

§ 7.54 Prohibited practices.

(a) *General prohibitions.* * * *

(1) Any statement that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter, tends to create a misleading impression.

* * * * *

(5) Any statement, design, device, or representation of or relating to any guarantee, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Money-back guarantees are not prohibited.

* * * * *

(b) *Statements inconsistent with labeling.* (1) Advertisements shall not contain any statement concerning a brand or lot of malt beverages that is

inconsistent with any statement on the labeling thereof.

(2) Any label depicted on a bottle in an advertisement shall be a reproduction of an approved label.

(c) *Alcohol content.* Advertisements shall not contain the words "strong," "full strength," "extra strength," "high test," "high proof," "full alcohol strength," or any other statement of alcohol content, or any statement of the percentage and quantity of the original extract, or any numerals, letters, characters, or figures, or similar words or statements, likely to be considered as statements of alcohol content, except where required by State law.

* * * * *

(e) *Curative and therapeutic claims.* Advertisements shall not contain any statement, design, representation, pictorial representation, or device representing that the use of malt beverages has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

* * * * *

(h) *Deceptive advertising techniques.* Subliminal or similar techniques are prohibited. "Subliminal or similar techniques," as used in this part, refers to any device or technique that is used to convey, or attempts to convey, a message to a person by means of images or sounds of a very brief nature that cannot be perceived at a normal level of awareness.

Par. 24. A new section, § 7.55, is added to read as follows:

§ 7.55 Comparative advertising.

(a) *General.* Comparative advertising shall not be disparaging of a competitor's product.

(b) *Taste tests.* (1) Taste test results may be used in advertisements comparing competitors' products unless they are disparaging, deceptive, or likely to mislead the consumer.

(2) The taste test procedure used shall meet scientifically accepted procedures. An example of a scientifically accepted procedure is outlined in the *Manual on Sensory Testing Methods*, ASTM Special Technical Publication 434, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, ASTM, 1968, Library of Congress Catalog Card Number 68–15545.

(3) A statement shall appear in the advertisement providing the name and address of the testing administrator.

Signed: May 18, 1984.

Stephen E. Higgins,

Director.

Approved: July 13, 1984.

J.M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 84–20697 Filed 8–7–84; 8:45 am]

BILLING CODE 4810–31–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Final Approval Determination; Virgin Islands State Plan

Correction

In FR Doc. 84–10572 beginning on page 16766 in the issue of Friday, April 20, 1984, make the following correction.

§ 1952.254 [Corrected]

On page 16775, column 2, § 1952.254(a), line 16, "elevation" should read "evaluation".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Approval of Permanent Program Amendment From the State of Ohio Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of a program amendment submitted by Ohio as an amendment to the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment establishes a program for blaster training, examination and certification.

The Ohio Division of Reclamation (the Division) submitted the proposed program amendment on March 5, 1984. OSM published a notice in the **Federal Register** on March 27, 1984, announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (49 FR 11687). The public comment period ended April 26, 1984.

By letter dated May 25, 1984, the Division submitted an additional modification to its proposed amendment to provide that a person who has failed the blaster's examination may not retake the examination until at least ninety days have passed. OSM also met with the State on May 22, 1984, to review the State's current blaster examination. The Division agreed to revise its current blaster examination to include certain topics required by the Federal rules.

OSM reopened the comment period from June 26, 1984 to July 11, 1984, in order to provide the public an opportunity to consider the adequacy of the proposed program amendment in light of the May 25, 1984 modification.

After providing opportunity for public comment and conducting a thorough review of the program amendment, the Director has determined that the amendment, as modified on May 25, 1984, meets the requirements of SMCRA and the Federal regulations, and is approving it. The Federal rules codifying decisions concerning the Ohio program are being amended to implement this action.

EFFECTIVE DATE: August 8, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Field Office Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background

The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register.**

II. Submission of Revisions

By letter dated March 5, 1984, Ohio submitted proposed regulations which would establish requirements for the training and certification of blasters working in surface coal mining operations. The new requirements are set forth in OAC 1501:13–14–05—*Training, Examination, and Certification of Blasters.*

At the time of the Secretary's approval of the Ohio program, OSM had not yet promulgated Federal rules governing the training and certification of blasters. Therefore, the State was not required to include such requirements in its program. However, in the notice announcing conditional approval of the Ohio program, the Secretary specified that Ohio would be required to adopt such provisions following promulgation of the Federal standards (47 FR 34688, August 10, 1982).

On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). The Federal rules require each State to design and implement its own blaster certification program. Under the Federal rules, each State must develop the method of training, examining, and certifying blasters which best meets local needs within the Federal regulatory framework. The Federal rules require training, field experience, and a written examination, and specify certain other requirements.

The Federal rules at 30 CFR 850.12 require the State regulatory authority to develop a program and submit it to OSM as a proposed program amendment within 12 months after the publication date of the Federal rules. The Federal rules at § 816.61(c) further provide that no later than 12 months after the State's blaster certification program has been approved by OSM, all blasting operations in the State shall be conducted under the direction of a certified blaster.

On March 27, 1984, OSM published a notice in the **Federal Register** announcing receipt of the amendment and inviting public comment on whether the proposed amendment was no less effective than the Federal regulations. (49 FR 11687) The public comment period ended April 26, 1984. The opportunity to request a public hearing was provided, but none was requested.

OSM met with the State on May 22, 1984, to review the State's current blaster examination. OSM identified several topics required by 30 CFR 850.13(b) that should be included in the State's examination. By letter dated May 25, 1984, the Division agreed to revise its current blaster examination to inlcude the topics identified by OSM. The Division also submitted an additional modification to its proposed amendment to provide that a person who has failed the examination may not retake the examination until at least ninety days have passed. On June 26, 1984, OSM published a notice in the **Federal Register** reopening and extending the public comment period on Ohio's proposed amendment as modified on May 25, 1984 (49 FR 26108). That comment period ended on July 11, 1984.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendment submitted by Ohio on March 5, 1984, meets the requirements of SMCRA and 30 CFR Chapter VII, as discussed below.

A. General

The Ohio submission included, along with the rules, a history of blaster certification in Ohio and a narrative description of the division of responsibilities under the proposed program. Since 1978, Ohio has had a blaster certification program which requires field experience and a written examination. The narrative explains that the Ohio Division of Reclamation (the Division) will authorize the Mine Examining Board (MEB) of the Ohio Department of Industrial Relations, Division of Mines, to examine, certify and recertify blasters, in accordance with the rules. The Division will develop application forms which applicants will submit to the MEB. The MEB will schedule the examination for, or recertify, applicants after providing the Division 15 days to notify the MEB of any recommendation for disapproval. The Division will be responsible for ensuring that training courses are offered by contracting with a State institution, an explosives company, or a blasting consultant, and will develop and validate a written examination. The MEB will schedule, administer, and grade the examinations, and issue certificates. The MEB will also administer the suspension and revocation provisions, although the Division may direct the MEB to initiate suspension or revocation proceedings.

The Director finds that the division of responsibilities proposed for the Ohio blaster certification program is adequate to satisfy the basic requirements within the Federal regulatory framework. On May 22, 1984, OSM reviewed the examination used in Ohio's existing blaster certification program and identified several topics required by 30 CFR 850.13(b) that should be included in the State's examination. By letter dated May 25, 1984, the Division agreed to revise its current blaster examination to include the topics identified by OSM. Ohio has indicated that it plans to develop a new examination for the revised blaster certification program. When such a new examination is developed, OSM will review it to ensure that it reflects the appropriate subject areas. Ohio may not use the new examination to test blaster candidates until OSM has reviewed and approved it and has so notified the Division in writing.

B. OAC 1501:13–14–05 Training, Examination, and Certification of Blasters

1. Paragraph (A) provides that no later than twelve months after this rule is approved by OSM, all blasting operations shall be conducted by a certified blaster who has obtained certification pursuant to the requirements of this rule. Paragraph (A) also provides that the Chief of the Division may enter into agreements with other State agencies to administer any or all of the requirements of the rule; however, final authority to accept or reject applicants for certification or recertification and the final authority to suspend or revoke a blaster's certification shall remain with the Chief of the Division. The Director finds these provisions to be no less effective than the Federal regulations at 30 CFR Part 850. The Director notes that the Ohio rule does not contain a definition of "blaster" as does 30 CFR 850.5. However, the Director finds that the meaning of the terms "certified blaster" or "blaster" as used in the Ohio rule is sufficiently clear and no less effective than 30 CFR 850.5.

2. Paragraph (B) specifies that the Chief shall conduct workshops as necessary to inform blasters of changes in blasting rules and certification procedures, and ensure that courses are available to train persons responsible for the use of explosives. The courses must cover a number of topics, including explosives, blast designs, preblasting surveys, and unpredictable hazards. The Director finds that the Ohio rule includes all the topics required by 30 CFR 850.13(b) and therefore is no less effective than the Federal rules.

3. Paragraph (C) sets forth the requirements necessary for a person to become a certified blaster. The rule requires that a person must have: (1) Received training in all the topics set forth in paragraph (B) in a course taught under the supervision of the Division or in a course deemed equivalent by the Chief; (2) field experience and, if not already certified under the Division's existing (1978) program, received direction and on-the-job training from a certified blaster; (3) exhibited a pattern of responsible conduct; and (4) passed a written examination covering the topics set forth in paragraph (B) of the rule.

The Director finds that these provisions are no less effective than 30

CFR 850.14 which sets forth the minimum requirements for examination of candidates for blaster certification.

4. Paragraph (D) sets forth the requirements for certification and recertification. Paragraph (D)(1) provides that certification shall be for a period of three years. Paragraph (D)(2) provides that in order to be recertified without a lapse in certification, a certified blaster must have applied for recertification no more than 90 days prior to the expiration date of the blaster's certificate and have either recent field experience or received current training. Paragraph (D)(3) provides that if a certified blaster fails to apply for recertification on or before the expiration date of the certificate, the certification shall expire and the blaster will have thirty days to apply for recertification without being subject to reexamination. On May 25, 1984, the Division submitted an additional modification to paragraph (D). Paragraph (D)(4) provides that a person who has failed the blaster examination may apply to take the examination again no earlier than ninety days after the date of the examination which was failed.

The Director finds that these provisions are no less effective than the Federal rules at 30 CFR 850.13(a) and 850.13(c).

5. Paragraph (E) specifies the conditions of certification, including the following requirments: (1) A blaster must, upon request by an authorized representative, immediately exhibit his or her certificate; (2) a blaster's certification shall not be transferred or assigned; (3) a blaster shall not delegate his or her responsibility to any individual who is not a certified blaster; and (4) a certified blaster shall take every precaution to protect his or her certificate from loss, theft or unauthorized duplication and shall report any such occurrence to the Chief immediately.

The Director finds these provisions to be no less effective than 30 CFR 850.15(d) and 850.15(e), which specify requirements for the protection of certification and for conditions of certification.

6. Paragraph (F) sets forth the provisions concerning suspension and revocation of a blaster's certification. The rule provides that upon written notice and opportunity for a hearing, the Chief or the MEB may, and upon a finding of willful conduct, shall suspend or revoke a blaster's certification for any of the following reasons: (1) Noncompliance with any order of the Chief, other regulatory authority or court of law; (2) violation of any provision of State or Federal explosives laws or regulations or any condition of certification; (3) unlawful use in the workplace of, or current addiction to, alcohol, narcotics or other dangerous drugs; (4) providing false information or a misrepresentation on any application for certification or recertification; or (5) falsification of blast records. The rule provides that if advance notice and a hearing opportunity cannot be provided, an opportunity for a hearing shall be provided as soon as practical following suspension, revocation or other adverse action. The rule further provides that upon notice of a suspension or revocation the blaster shall immediately surrender the suspended or revoked certificate to the Chief.

The Director finds these provisions to be virtually identical to and no less effective than 30 CFR 850.15(b).

The Ohio rule also contains two provisions not found in the Federal rule. Paragraph (F)(2) provides that during the first twelve months after the rule is approved by OSM the Chief or MEB shall revoke the certification of a blaster whose certificate was issued under the Division's existing (1978) program if that blaster fails to pass, on two separate occasions, the written examination administered under paragraph (C). The rule also specifies the procedures necessary to repossess a suspended certificate, which include reexamination. The Director finds that these additional provisions are not inconsistent with and are no less effective than the Federal rules.

IV. Public Comments

Acknowledgments pertaining to the Ohio amendment were received from the following Federal agencies: Department of Labor—Mine Safety and Health Administration; Department of Agriculture—Soil Conservation Service; Department of the Army—Office of the Chief of Engineers.

These agency comments were not substantive. The disclosure of Federal agency comments is made pursuant to section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i). There were no other public comments.

V. Director's Decision

The Director, based on the above finding is approving the March 5, 1984 amendment to the Ohio program. The Director is amending Part 935 of 30 CFR Chapter VII to reflect approval of the above State program modification.

VI. Procedural Requirements

1. Compliance With the Notional Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

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

Date: August 2, 1984.

J. Lisle Reed,

Director, Office of Surface Mining.

PART 935—OHIO

30 CFR 935.15 is amended by adding a new paragraph (i) as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(i) The following amendment submitted to OSM on March 5, 1984, is approved effective upon promulgation of the revised rules by the State, provided the rules adopted are identical to the rules as submitted to and reviewed by OSM: Ohio's blaster certification program, as contained in Ohio Administrative Code Section 1501:13–14–05.

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

[FR Doc. 84–20996 Filed 8–7–84; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF EDUCATION

34 CFR Parts 7, 8, 10, 67, and 621

Removal of Parts and Technical Amendments

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends Title 34 of the Code of Federal Regulations (CFR) by revising the authority citation for Part 7, and by removing Parts 8, 10, 67, and 621. Parts 8, 10, 67, and 621 have been reviewed by the Department and are no longer needed for the reasons described in this document. The Secretary takes this action to eliminate unnecessary regulations and to provide a more appropriate authority citation for Part 7.

EFFECTIVE DATE: These regulations will take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Director, Division of Regulations Management, 400 Maryland Avenue, SW, (Room 2131, FOB–6), Washington, D.C. 20202. Telephone: (202) 245–7091.

SUPPLEMENTARY INFORMATION: The Secretary revises the authority citation for Part 7 (Employee inventions) in order to provide a more current and precise statement of the authority for the Department's regulations.

The Secretary removes Part 8 (Inventions resulting from research grants, fellowship awards, and contracts for research), Part 10 (Departmental Fellowship Review Panel), Part 67 (Student Loan Marketing Association—issuance and transfer of common stock), and Part 621 (Grants to land grant colleges and universities) for the following reasons.

Part 8 is removed because it has been superseded by new legislation. On December 12, 1980, Congress enacted Pub. L. 96–517, the Patent and Trademark Amendments of 1980. As a result of this legislation, the Office of Management and Budget (OMB) issued Circular A–124 (47 FR 75560; February 19, 1982). OMB Circular A–124 provides guidelines, policies, and procedures with respect to inventions made by small business firms and nonprofit organizations, including universities, under funding agreements with Federal agencies.

On the basis of new legislation and the promulgation of OMB Circular A–124, the Secretary has determined that Part 8 should be removed.

Part 10 establishes a Departmental Fellowship Review Panel from which Departmental Fellowship Review Boards are to be selected for the purpose of providing hearings in cases where there is substantial reason for a belief that a fellowship should be denied or discounted on grounds involving the moral character or loyalty of the applicant.

Statutory authority for investigating the moral character or loyalty of a fellowship applicant or holder existed in title X of the National Defense Education Act (NDEA) (20 U.S.C. 581) with respect to fellowships or stipends awarded under title IV or VI of the Act. These fellowships and stipends are no longer awarded under the NDEA. This document therefore removes these regulations from the CFR.

The Secretary's authority for issuance of the regulations in Part 67 concerning the common stock of the Student Loan Marketing Association was revoked by section 421(a)(2) of the Education Amendments of 1980 (Pub. L. 96–374, enacted October 3, 1980). Since the authority for these regulations no longer exists, the Secretary removes Part 67 from the CFR.

Responsibility for grants to land grant colleges and universities, governed by Part 621, was transferred to the Secretary of Agriculture by section 1419 of the Agriculture and Food Act of 1981 (Pub. L. 97–98, enacted December 22, 1981). This program is no longer administered by the Department of Education, and the Secretary removes these regulations from the CFR.

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the Secretary has determined under 5 U.S.C. 553(b)(B) that publication of this document as a proposed rule for public comment is unnecessary because it concerns only a technical amendment and the removal of obsolete regulations from the CFR.

List of Subjects

34 CFR Part 7

Government employees, Inventions and patents.

34 CFR Part 8

Government contracts, Grant programs—education, Inventions and patents, Research—education, Scholarships and fellowships.

34 CFR Part 10

Administrative practice and procedure, Education Department, Fellowship review panel, Scholarships and fellowships.

34 CFR Part 67

Government sponsored corporation, Loan programs—education, Securities.

34 CFR Part 621

Agriculture, Colleges and universities, Education, Grant programs—education, Teachers.

(Catalog of Federal Domestic Assistance number does not apply)

Dated: August 2, 1984.

T.H. Bell,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by revising Part 7 and by removing Parts 8, 10, 67, and 621 as follows:

PART 7—EMPLOYEE INVENTIONS

1. The authority citation following the table of contents for Part 7 is revised to read as follows:

* * * * *

Authority: E.O. 10096, 15 FR 391; 3 CFR 1950 Supp.; E.O. 10930, 26 FR 2583; 3 CFR 1961 Supp.

* * * * *

PART 8—INVENTIONS RESULTING FROM RESEARCH GRANTS, FELLOWSHIP AWARDS, AND CONTRACTS FOR RESEARCH

2. Part 8 is removed.

PART 10—DEPARTMENTAL FELLOWSHIP REVIEW PANEL

3. Part 10 is removed.

PART 67—STUDENT LOAN MARKETING ASSOCIATION—ISSUANCE AND TRANSFER OF COMMON STOCK

4. Part 67 is removed.

PART 621—GRANTS TO LAND GRANT COLLEGES AND UNIVERSITIES

5. Part 621 is removed.

[FR Doc. 84-21003 Filed 8-7-84; 8:45 am]
BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. 1

[AD-FRL-2632-5]

Air Pollution Control; Regulation of Polycyclic Organic Matter Under the Clean Air Act

AGENCY: Environmental Protection Agency.

ACTION: Final decision.

SUMMARY: This notice sets forth EPA's final decision not to regulate polycyclic organic matter (POM) as a specified air pollutant under the Clean Air Act. This decision responds to section 122 of the Clean Air Act (CAA), as amended in 1977, which requires EPA to determine if POM should be specifically regulated under the Act to protect public health.

ADDRESSES: Docket No. A-83-32 contains the information considered in issuing this decision. This docket is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE-131), West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Kent Berry, Strategies and Air Standards Division (MD-12), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-5504 or FTS 629-5504.

SUPPLEMENTARY INFORMATION:

Background

Section 122 of the CAA, as amended in 1977, requires EPA to review all relevant information on POM to determine whether emissions of POM into the ambient air "will cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health." If the Administrator concludes that POM does cause or contribute to such air pollution, he must simultaneously with such determination include POM on the list of pollutants to be covered by national ambient air quality standards (NAAQS), list it as a hazardous pollutant under section 112, or list significant POM source categories to be covered by new source performance standards (NSPS) (or take a combination of these actions).

On February 13, 1984 (49 FR 5580), EPA proposed for public comment its decision not to regulate POM under the CAA. On March 29, 1984 (49 FR 12283), the comment period was extended to May 29, 1984.

POM is a generic term which covers hundreds of chemical substances containing two or more ring structures. These include compounds made up of only carbon and hydrogen (polycyclic aromatic hydrocarbons, or PAH), compounds with a ring nitrogen (aza and imino arenes), oxygenated species, and nitrated and chlorinated POM (including dioxins and pesticides such as aldrin and DDT).

Due to their high molecular weight, POM compounds are generally emitted as particulate matter from various stationary and mobile sources and usually occur as particulate matter in the ambient air. POM emissions are rarely composed of just a single POM compound, but are released as part of a complex mixture of a variety of POM compounds. Frequently, POM emissions are also accompanied by a variety of other substances such as trace metals which may also be of environmental concern.

POM emissions to the atmosphere are generally produced by combustion processes, especially where combustion is incomplete. Each POM source category is likely to emit a different and unique mixture of POM compounds. There is considerable variability in the type and amount of emissions among sources within the same source category. Major POM source categories include coke production; residential use of wood and coal in fireplaces and stoves; mobile sources such as automobiles, trucks, and aircraft; forest fires; and commercial and industrial incineration.

Health Effects of POM

This discussion about the health effects of POM deals specifically with the non-halogenated combustion and pyrolysis POM products of organic matter. The major human health effect of concern about exposure to this class of airborne POM is that of cancer. It is well established that extracts of particular air pollutants which contain POM are carcinogenic when painted on the skin of rodents or injected into newborn mice. Several POM compounds are among the most potent animal carcinogens known to exist. A variety of POM and POM mixtures are mutagenic in various tests. Although not all individual POM compounds have demonstrated carcinogenic and mutagenic activity, there are no known POM mixtures produced by burning that are not carcinogenic and mutagenic. While epidemiological studies have not directly linked any single POM compound to human cancer, a number of such studies have established that mixtures containing compounds of POM are associated with an excess incidence of cancer in humans. Populations exposed to POM-containing mixtures which have shown excess lung cancer include cigarette smokers, roofing tar workers, coal-gas workers, and coke oven workers. Animal studies suggest that POM represents a substantial part, but not all, of the carcinogenic potential of the mixtures to which these populations are exposed.

A number of the carcinogenic POM compounds have been measured in the ambient air and thus could be expected to present some degree of risk. However, a number of problems are involved in quantifying this risk. The potency of different POM mixtures varies substantially. Also, levels of individual POM compounds are not highly predictive of the carcinogenic potency of the mixtures which contain them. Ideally, the carcinogenic impact of any given source should be evaluated in terms of the mixture as a whole rather than by its POM content, but very few POM-containing mixtures have been thus characterized.

Attempts have been made to estimate cancer risks associated with exposure to POM-containing mixtures. For example, this was done for coke oven emissions by using the potency derived from the incidence of cancer in exposed workers, a surrogate to estimate worker exposure to the emissions, and a mathematical model to estimate ambient emissions exposure. The potency of diesel exhaust has been estimated by comparison with coke oven emissions in biological test systems to provide a basis for quantitative risk estimation. A similar approach might also be useful for other POM-containing mixtures. However, the lack of information about the potency of most POM-containing mixtures together with the difficulties involved in characterizing the POM content and estimating the extent of exposure for each POM source, are uncertainties in quantifying the total cancer burden due to ambient levels of POM.

Summary of Responses to Major Comments

Commenters were divided on the fundamental issue as to whether the decision under section 122 may be made on the basis of whether POM causes a significant risk to the public as proposed

by EPA. The Natural Resources Defense Council (NRDC) (A–83–32 IV–D–9) argued, in essence, that any risk would require regulation of POM under the Act. NRDC argued that section 122, as well as other parts of the statute, is precautionary in nature and that the Agency should not require quantitative estimates of harm in order to regulate. The NRDC asserted that the statute does not permit EPA to apply a "significant risk" test in determining whether to regulate under the Act and submitted their legal arguments on EPA's proposed withdrawal of hazardous emission standards for benzene on this issue in support of their position. The State of New York (A–83–32 IV–D–10) took a similar view, arguing that any substance that is a carcinogen and is released to the ambient air, presumably no matter how small the amount, meets the test for regulation under section 122. NRDC also stated their argument in these terms. The State of New Jersey (A–83–32 IV–D–7) felt that the proposal set a new and inconsistent precedent by raising the level of evidence of hazard necessary to regulate.

Industry commenters, on the other hand, argued a contrary position on this issue. The Chemical Manufacturers Association (CMA) (A–83–32 IV–D–2) felt that rejection of a "zero risk" interpretation was amply supported by legislative history relative to section 122 and to setting NAAQS under section 109 (one of the control options specified by section 122) as well as judicial rulings in the Occupational Safety and Health Administration benzene case (*Industrial Union Department* v. *American Petroleum Institute*, 448 U.S. 607 (1980)) and on EPA's *de minimis* exemptions in its prevention of significant deterioration regulations (*Alabama Power Co.* v. *Costle*, 636 F.2d 323, 360–61 (D.C. Cir. 1980)).

As a policy matter, EPA believes that it is appropriate to consider the significance of the risks caused by a pollutant before embarking on a regulatory program. This would ensure that scarce resources for regulatory development, enforcement and source compliance are allocated to significant problems, as opposed to those that may be finite but essentially trivial.

EPA disagrees with NRDC's assertion (also implied by the State of New York) that the CAA does not authorize EPA to consider the significance of the risks in determining whether POM should be regulated under the Act. Section 122 was added to the Act by the 1977 Amendments. Pub. L. 95–95. The legislative history of these amendments shows that they permit EPA to use a "significant risk" test. The amendments codify the approach to health risks in *Ethyl Corp.* v. *EPA*, 541 F.2d 1 (D.C. Cir. 1976), cert. den. 426 U.S. 941 (1976). As the Committee Report states:

> In summary, the committee's action is intended to support the views expressed in * * * the Ethyl case * * *. The committee's bill would also apply this interpretation to all other sections of the act relating to public health protection [including section 122].

H.R. Rep. No. 95–294, 95th Cong., 1st Sess. 49 (1977) (The House Report reflects Congress' intent. The Conference Committee adopted the House bill without any relevant change or comment; there was no comparable provision in the Senate bill. H.R. Rep. No. 95–564, 95th Cong., 1st Sess. 183–184 (1977) (Conference Report)).

The Ethyl case plainly states that a finding of "significant risk" is an appropriate test for regulating. 541 F. 2d at 13, 18 n. 32, 20, 30, 31 n. 62, 31–32. Moreover, the Committee Report makes clear that Congress was specifically adopting the significant risk test upheld in Ethyl. Id. at 43,47,49,50,51.

NRDC also contended that even a quantitative significant risk test, if it existed, would be passed by POM, citing the conclusions of a 1978 draft report by EPA's Carcinogen Assessment Group (CAG) that POM is estimated to cause about 200 deaths per year nationwide. NRDC also cited risk estimates in Appendix C of the 1983 National Academy of Sciences (NAS) report (Polycyclic Aromatic Hydrocarbons: Evaluation of Sources and Effects).

The draft CAG report cited by NRDC used epidemiology studies of coke oven workers, British gas carbonization workers (gas carbonization is similar to coke production), and roofers exposed to hot pitch fumes to estimate the potency, or unit risk, due to exposure to the complex mixture of pollutants from these operations using benzo(a)pyrene (BaP) as an indicator. The unit risk number was then combined with an estimate of nationwide exposure to BaP contained in a draft document prepared for EPA under contract yielding an estimate of 211 deaths per year.

One of the potential problems in accurately estimating the cancer incidence in the CAG report is the use of BaP as a surrogate for estimating the risk due to POM specifically. While the report indicates that the estimate of 211 lung cancers per year is due to POM in the atmosphere, the estimate actually is based on BaP which acts as a surrogate for the risk due to the entire complex mixture emitted from these sources. Thus, the risk estimate probably reflects some contribution from metals, such as arsenic, chromium, nickel, cadmium, and beryllium, which are known or suspected carcinogens; and aromatic gases (e.g., beta-naphthylamine).

It is generally recognized that BaP is a limited, imprecise surrogate for estimating the emissions or risks of all POM in a mixture or of various emission mixtures. The relative BaP content from different source types varies significantly, as does the carcinogenic or mutagenic potency that would be predicated using BaP as an indicator. Thus, there is uncertainty in applying a BaP potency estimate based on only three emission mixtures to the BaP measured in the ambient air (which comes from sources that are likely to have an entirely different POM emission profile). Nevertheless, despite the fact that BaP is not necessarily representative of the class as a whole, it is useful in that it has been used as a surrogate in a number of attempts to characterize the problem. One of the reasons it has been a useful surrogate is the abundance of carcinogenicity and mutagenicity experimental data in which BaP has been used as a positive control. Experiments to date indicate that BaP content generally underestimates the carcinogencity and mutagenicity of POM mixtures.

The Science Advisory Board (SAB) Subcommittee that reviewed the CAG document in 1978 along with the exposure document was generally critical of the exposure estimates used in the risk calculations. The Subcommittee implied that credible quantitative risk estimates could not be made with the available data base, and urged that the risk should instead be estimated in qualitative terms. They further noted that risk estimates should only be calculated for areas where reliable data exist instead of extrapolating cancer risks from insufficient national exposure data. This would have involved calculating risks only for those cities with sufficient measured data and would have eliminated more than half of the exposure which was estimated from national average concentrations.

The risk data in Appendix C of the NAS report were developed in a similar way to the CAG report, in which BaP is used as an indicator for estimating the carcinogenic potencies of various complex emission mixtures (e.g., cigarette smoke, coke oven emissions, various gasoline and diesel exhausts) as well as ambient atmospheres. Using an average annual BaP concentration for urban areas of 0.35 ng/m3, the lifetime risk due to "air pollution" ranges from 0.7 x 10–4 to 2.1 x 10–4 (based on data in

table C–6 of the NAS report). The appendix does not attempt to calculate aggregate risk. As noted above with respect to the CAG risk estimate, these estimates may not be applicable to BaP specifically or POM in general.

Several commenters (NRDC, State of New York) challenged the relevance of considering the significant past reductions in POM air quality (as indicated by BaP) and POM emissions, which were the indirect result of a variety of control programs established to attain the NAAQS for particulate matter, ozone, and carbon monoxide. They argued that the proposal did not demonstrate that these past reductions, as well as the continued future reductions anticipated as a result of a number of current and future control programs, would protect the public from POM exposures. New York felt that EPA was obligated to reduce POM as quickly as possible, even if projections indicated that future POM concentrations would eventually be reduced to zero. These commenters, as well as others (State of New Jersey, the Regional Air Pollution Control Agency, which serves 6 counties in Ohio) when on to note a number of source categories which they felt were not being controlled as well or as quickly as possible or control programs which were not as effective as they could be for reducing POM.

While these considerations do not form the fundamental basis for EPA's decision not to regulate POM as a spcified air pollutant, the fact that past, current, and future control programs have resulted in significant reductions in POM and are expected to continue to reduce POM emissions from a number of source categories is of some interest and relevance. The Agency does not contend that everything possible is now being done to reduce POM emission, or that such actions are even warranted in view of current information. However, with the improvement of techniques and the increasing availability of data, EPA believes it is now able to undertake a quantitative assessment of the risk from specific POM source categories. For this reason, the Agency is continuing to study certain source categories such as residential wood combustion and POM compounds such as dioxin: To determine the nature and magnitude of the health risk and what controls, if any, are needed at the Federal level.

The State of Colorado submitted BaP air quality data for the period 1968–74 and for the year 1982 which they argued showed no declining trend in ambient levels. However, the data for the 1968–74 period show a clear declining trend. The 1982 data, while higher than the data measured in previous years, were based on a different analytical method, making it impossible to conclude anything about trends from that year's data. The State of New Jersey also submitted recent (1982) BaP air quality data which generally tended to confirm the levels cited for the late 1970's in the proposal. New Jersey concluded that BaP is ubiquitous and thus consideration should be given to making POM a criteria pollutant and setting NAAQS under section 109.

Need for Regulation of POM Under the Clean Air Act

As discussed in the proposal, there is significant uncertainty as to the human cancer risk due to POM in the ambient air. These uncertainties stem from inadequate information on the composition and potency of, and exposure to, various POM mixtures. The comments submitted in response to the proposed decision have not provided new information concerning the significance of this risk.

Section 122 requires the Administrator to consider both the threat to public health presented by POM and the appropriate means for regulating POM emissions, i.e., national ambient air quality standards, national emission standards for hazardous air pollutants, or new source performance standards, before making a final decision. As discussed above, EPA judges that the available information is insufficient to determine that POM threatens public health within the meaning of section 122, a determination which would include the immediate commencement of regulatory action. As a result EPA has decided not to regulate POM as a class of compounds under the Clean Air Act at this time.

As noted in the proposal, the Administrator's judgment is that a more practical means of regulating POM emissions which may significantly contribute to adverse health effects is to list under section 112 the emissions of such source categories or to regulate individual source types under other Clean Air Act authority (e.g., section 111 or Title II). This will allow EPA to evaluate the total potential health risk of non-POM compounds as well as POM compounds emitted from these source categories.

EPA is now studying the potential risk from sources whose emissions include POM on a source category by source category basis. This analysis includes an evaluation of the risk from the mixture of POM and non-POM compounds emitted from the source category, as well as an exposure analysis to determine ambitent concentrations of the emissions around the source categories. Similarly, the Agency is also studying the feasibility of controlling the major source categories. This analysis includes an evaluation of the technical feasibility of the different control technologies, their effectiveness in reducing emissions and health risks, and the potential economic and social impacts of required controls. For most source categories, the information available on both risks and control measures falls well short of that necessary to issue proposed regulations. Until these analyses are completed, EPA is unable to draw responsible conclusions regarding the need for, and feasibility of, controlling POM emissions, much less design any regulations that may be ultimately required. The Agency believes it should not regulate POM or POM-containing emissions until it has better information on the potential health risks and the technical feasibility, costs and effectiveness of available control technologies in reducing health risks.

As noted in the proposal notice, Federal regulatory programs are underway for coke oven emissions under section 112 and for diesel particulate emissions under Title II. In addition, the Agency intends to review further regulatory options for reducing POM emissions. The decision on any appropriate regulatory mechanism as well as the development of other information necessary to develop an effective regulatory program (test methods, control technology, cost and economic impacts) is currently being studied and will be announced upon completion of this evaluation. Finally, indirect control of POM emissions is being achieved through a variety of State Implementation Plan (SIP) and NSPS regulations and light duty (gasoline engine) vehicle emission standards. A revision of the primary NAAQS for particulate matter (proposed at 49 FR 10408, March 20, 1984) to apply to particles less than 10 micrometers in size would focus SIP controls on the smaller particles with which most POM compounds are associated.

While it is very difficult to estimate the cumulative impact of these programs on future POM emissions or air quality, estimates have been made for POM from motor vehicles (which currently emit about 25% of total national POM emissions). As discussed in the proposal, motor vehicle emissions (as indicated by BaP) are expected to decrease by 11% on a nationwide basis by the year 2000. This reflects the benefit of catalyst-equipped spark-ignition passenger cars over their

noncatalyst counterparts, which is partially offset by the incursion of diesel vehicles and increased vehicle miles traveled (VMT), particularly diesel truck mileage. Because heavy duty diesel truck VMT are expected to increase much more rapidly then other vehicles and are traveled predominantly in rural areas (80%), it is estimated that about 40% of the BaP from motor vehicles will be released in urban areas in the year 2000, compared with 63% in 1979. This is estimated to result in a decrease in exposure to individuals in urban areas of about 55%.

With respect to several of the pesticides that are POM, the Agency has acted under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to significantly curtail the uses of aldrin, dieldrin and DDT. The Agency has requested additional inhalation toxicity data from manufacturers for other uses of certain POM pesticides, like aldrin, to determine whether this route of exposure presents a health hazard. With respect to dioxin compounds which are considered POM, an Agency task force has developed and is implementing a comprehensive strategy to: (1) Study the extent of dioxin contamination and the associated risks to humans and the environment; (2) implement necessary clean-up actions at contaminated sites; and (3) further evaluate regulatory alternatives to prevent future contamination as well as disposal alternatives to alleviate current problems. The activities on POM pesticides and dioxins are good examples of a targeted approach for dealing with subcategories of POM that may be of concern, as opposed to trying to assess, and perhaps regulate, the entire category of POM.

With respect to POM-related research, the Agency has had a substantial program to characterize the emissions from wood burning stoves and fireplaces and to develop ways of minimizing these emissions through stove design and/or operating changes. This has been a difficult task considering the large variety of stove designs, fuels burned, and operating practices. Substantial research on the health effects of diesel emissions has also been conducted and assessment in this area is continuing. Significant research on the health effects of synthetic fuel production and use has also been conducted over the last several years. While synfuels are currently an insignificant source of POM emissions, this category could become significant in the future depending on future energy scenarios in this country. Results of these studies will be made available to the public as they are completed, and EPA will initiate additional listings or other regulatory activity under the Act or other Federal legislation if needed to protect the public health.

Under Executive Order 12291, EPA must judge whether this action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it imposes no additional regulatory requirements on States or sources. This notice was submitted to the Office of Management and Budget for review. Any comments from OMB and any EPA responses are available in the docket. Pursuant to 5 U.S.C. 605(6), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities because it imposes no new requirements. This action does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980.

Dated: August 2, 1984.

Alvin L. Alm,

Acting Administrator.

[FR Doc. 84-20992 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-9-FRL-2650-1]

Air Programs; Approval and Promulgation of Implementation Plans; Nevada 1982 CO Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: Today's notice takes final action to approve certain portions of the carbon monoxide (CO) SIP revision for Truckee Meadows which are consistent with the requirements embodied in the Clean Air Act and EPA policy. This action incorporates those revisions which are approvable into the SIP, thereby revising the control strategy for attaining the CO standard in Truckee Meadows. This notice also defers action with regard to the lack of attainment/Reasonable Further Progress (RFP) demonstrations.

EFFECTIVE DATE: September 7, 1984.

ADDRESSES: A copy of today's revision to the Nevada SIP is located at:

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

Public Information Reference Unit, EPA Library, 401 M Street, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Director, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: Wallace Woo (415) 974-7634.

SUPPLEMENTARY INFORMATION: This portion of the notice is divided into five sections. The "Background" section briefly summarizes the proposed actions on these plan revisions and discusses EPA's parallel processing rulemaking procedure. The "Supplementary Revisions" section discusses EPA's evaluation of the Nevada SIP revision submitted to EPA after the February 3, 1982 proposed rulemaking notice on the original 1982 SIP Revision. The "Public Comments" section describes public comment on the proposed rulemaking notice and contains EPA's response on substantive issues. The section on "EPA Actions" details EPA's final actions on the plan. The "Regulatory Process" section contains procedures for judicial review of this action.

Background

The Clean Air Act Amendments of 1977 required states to revise their SIPs by January 1979 for all areas that had not attained the National Ambient Air Quality Standards. These revisions were to provide for attainment of the ambient standards by December 31, 1982. Those areas which demonstrated that 1982 attainment for ozone and/or CO could not be achieved even with the implementation of all reasonably available control measures could request an extension to attain the standards no later than December 31, 1987. Plan revisions were to be submitted to EPA by July 1, 1982.

On June 23, 1982, the Governor of Nevada submitted the 1982 SIP revision for Truckee Meadows. On February 3, 1983, EPA proposed to disapprove this revision because it failed to show attainment of the CO standard by the statutory deadline of 1987 (48 FR 5071). Since the plan did not project attainment by 1987, it also did not provide for reasonable further progress. The absence of sufficient legal commitments and implementation schedules for many of the control measures was the remaining major deficiency. For additional discussion on the Clean Air Act requirements for nonattainment areas and the Nevada SIP revisions submitted in response to these requirements, the reader should refer to the February 3, 1983, **Federal Register.**

Supplementary Revisions

On September 14, 1983, the Governor of Nevada submitted a revised plan for Truckee Meadows to address the deficiencies noted by EPA in the February 3 proposed rulemaking. This new plan supplemented and revised information contained in the June 23, 1982 submittal. Included were revisions to:

1. The Emissions Inventory (Chapter IV).
2. Air Quality Projections (Chapter IV).
3. Control Strategy Evaluation (Chapter V).
4. Implementation Plan (Chapter VII).
5. Reasonable Further Progress Demonstration (Chapter VII).
6. Additional Documentation to Support the Schedules and Commitments to the Transportation Control Measures (Chapter VII, and Appendices N, P, Q, S).
7. Evidence that all Section 108 measures Have Been Considered for Adoption (Chapter X).

Plan Evaluation

The plan was evaluated to determine if the major deficiencies which led to the proposed disapproval had been remedied. The deficiencies involved the attainment and Reasonable Further Progress (RFP) demonstrations and the commitments to implement the control measures.

In the June 23, 1982 SIP Revision, the attainment demonstration and the RFP demonstration were deficient since technical errors in the analysis resulted in an unforeseen shortfall in emission reductions needed to attain the CO standard. These errors involved the calculation of mobile source emissions, credits for an Inspection/Maintenance (I/M) Program, and documentation to support emission reductions from the control measures. Also, the rollback modeling analysis did not include a value for background CO concentrations.

The revised plan submitted on September 14, 1983 contained a corrected carbon monoxide inventory based on a typical winter week day. EPA also finds acceptable the revised calculation of mobile source emissions. Reductions claimed for the I/M program are consistent with those calculated by EPA using the Mobile 2.5 emissions model. The revised rollback modeling analysis employed a 0.5 ppm as a background CO value, based on a short term ambient monitoring program conducted by the Washoe County agencies. The data was not collected according to EPA monitoring and quality assurance requirements. However the difference in required emission reductions between the use of 0.5 ppm and the EPA Recommended CO background concentration of 1.0 ppm is insignificant. The modeling analysis showed that a reduction to 47.75% of the 226.8 tons per day (t/d) 1980 emissions level was needed to project attainment of the CO standard by 1987. This results in 1987 allowable emissions of 108.3 t/d. 1987 emissions with no controls are 201.7 t/d.

The plan anticipates reductions of 94.44 t/d. Reductions from I/M are 29.5 t/d, from transportation control measures (TCMs) are 17.9 t/d, and controls on residential wood burning total 47.04 t/d. The controls on wood burning are further broken down to (1) "Better burning techniques"—20.2 t/d, (2) "Institutionalized controls"—8.44 t/d, and (3) "Cease burning during alerts"—18.4 t/d. There is sufficient data to support the emission reductions claimed from I/M and the TCMs. The revised plan also includes additional commitments to the TCMs by the responsible state and local jurisdictions. The plan cites an EPA study used to calculate the potential reductions from controls on residential wood burning. However because of their voluntary nature and the fact that cessation of wood burning is a meteorologically dependent control measure, the 47.04 t/d emission reductions do not appear to be fully justified.

EPA recognizes that residential wood combustion has only recently been acknowledged as a potentially large source of CO and particulate emissions. Therefore, a substantial body of research data does not exist that can be used to estimate emissions and reductions achieved through controls. EPA is also aware that the Washoe County air pollution control agencies are continuing to refine and strengthen their wood burning control strategy. Further studies include refining the emissions inventory, analyzing additional control measures and expanding the public education activities. Also, on September 28, 1983, the Washoe County District Board of Health amended their Emergency Episode Regulations to prohibit wood burning during Stage II air pollution alerts.

EPA can approve the emission reductions claimed for the I/M and TCM control measures. Credit for the wood burning control strategy can be allowed when the measures are supported by further technical analyses. Such documentation must verify the estimates given for both emissions and emission reductions. Evidence of adoption in legally enforceable forms must also accompany these control strategies. EPA intends to defer action related to the attainment/Reasonable Further Progress demonstrations and evidence of Adoption of Measures until the State submits such documentation. Information must be submitted to EPA no later than March 31, 1985. EPA will also more closely examine whether additional measures exist which are reasonably available for implementation in Truckee Meadows by 1987. This determination will also be done by March 31, 1985.

Public Comments

EPA received four comments which addressed the February 3, 1983 proposed rulemaking on the SIP revision for Truckee Meadows. The following is a summary of the comments and EPA's responses.

(1) The Regional Administrative Planning Agency (RAPA) and the Nevada Department of Conservation and Natural Resources (NDCNR) requested an extension of the public comment period. An extension until May 5, 1983 was granted.

(2) At a later date, the NDCNR commented that it generally agreed with EPA's evaluation included in the February 3 rulemaking except for the requirement to use a minimum 1.0 ppm as a background CO concentration. It was further stated that the revisions adopted by RAPA satisfactorily addressed the deficiencies. As discussed in this notice, the revised SIP does remedy certain of the major deficiencies in the Truckee Meadows Plan that were noted in the February 3, 1983 **Federal Register.** EPA is approving these portions and incorporating them into the SIP. EPA is deferring action on the attainment and RFP demonstrations. EPA has also found that the use of a 0.5 ppm background CO value is acceptable only because of the insignificance of the error.

(3) The Honorable Barbara F. Vucanovich, a Member of the U.S. House of Representatives, commented that a two-year extension should be granted by EPA for implementation of an I/M program. The State of Nevada has since adopted revised regulations for I/M and a program has been in operation since October, 1983, therefore, an extension is not needed.

EPA Actions

Based on EPA's review of the 1982 SIP Revision and consideration of public comments, EPA is taking the following action on the Truckee Meadows Plan:

Approve all portions of the plan, except for the attainment/RFP

demonstrations, and evidence of adoption of measures under Part D of the CAA and incorporate them into the Nevada SIP under Section 110 of the CAA. The approved portions update the SIP data base, provide new control measures which are needed to attain the NAAQS, and meet other specific requirements of Part D of the Act.

Deferrals

EPA is deferring action on the attainment/RFP demonstration and evidence of adoption of measures portions of the Truckee Meadows plan evaluated in this notice while EPA and the State perform an in-depth evaluation of what control measures would be required to adequately demonstrate attainment of the CO NAAQS. This evaluation must be done by March 31, 1985. EPA will address these portions of the plan in separate **Federal Register** actions.

Regulatory Process

This action is effective September 7, 1984. Under the CAA, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 9, 1984. This action may not be challenged later in procedures to enforce its requirements.

Under Executive Order 12291, today's action is not "major". It has been submitted to the Office of Management and Budget for review.

Authority: Sections 110, 129, 171–178 and 301(a) of the Clean Air Act, as amended [42 U.S.C. 7410, 7501 to 7508 and 7601(a)].

List of Subjects in 40 CFR Part 52

Intergovernmental relation, Air pollution control, Particulate matter, Ozone, Sulfur oxide, Nitrogen oxides, Hydrocarbons, Carbon monoxide.

Dated: August 2, 1984.

Alvin L. Alm,

Acting Administrator.

PART 52—[AMENDED]

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

Subpart DD—Nevada

Section 52.1470 is amended by adding paragraph (c)(26) to read as follows.

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

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(26) The Truckee Meadows Air Quality Implementation Plan 1982 update submitted by the Governor on September 14, 1983, except for the attainment and RFP demonstrations and Legally Enforceable Measures portions of the plan.

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[FR Doc. 84-20991 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL 2647-5]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: In the September 1, 1983, **Federal Register** (48 FR 39653), the United States Environmental Protection Agency (USEPA) proposed that a February 21, 1980 (45 FR 11472) conditional approval of the incorporation of a revised Part D sulfur dioxide control strategy into the Illinois State Implementation Plan (SIP) has been satisfied for Cincinnati, Pekin and Elm Grove Townships in Tazewell County and for Logan and Limestone Townships in Peoria County and solicited public comment. No public comments were received. USEPA announces final approval of the satisfaction of this plan approval condition for the above listed townships. Elsewhere in today's **Federal Register**, USEPA approves in final the redesignation of these townships as attainment for the pollutant SO_2 and approves in final a revised SO_2 control strategy for these townships.

EFFECTIVE DATE: This final rulemaking becomes effective August 8, 1984.

ADDRESSES: Copies of this revision to the Illinois SIP are available for inspection 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.

Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following addresses. (It is recommended that you telephone Randolph O. Cano at (312) 886-6035 before visiting the Region V Office).

U.S. Environmental Protection Agency, Air and Radiation Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: On September 1, 1983 (48 FR 39653), USEPA proposed that a February 21, 1980 (45 FR 11472), conditional approval of the incorporation of a revised Part D sulfur dioxide control strategy into the Illinois SIP has been satisfied for Cincinnati, Pekin and Elm Grove Townships in Tazewell County and for Logan and Limestone Townships in Peoria County. The SIP approval condition required that the SIP include a reanalysis of the Pekin, Illinois area; a submittal of the analysis results to USEPA; the proposal of any necessary regulations to the Illinois Pollution Control Board to ensure the attainment and maintenance of the sulfure dioxide standard; and the promulgation of any necessary regulations. Any promulgated regulations must be submitted to USEPA. This September 1, 1983, notice of proposed rulemaking incorrectly listed the date of the conditional approval as February 21, 1982, rather than February 21, 1980. USEPA is taking final action today without reproposal since the remainder of the **Federal Register** citation was correctly listed as 45 FR 11472 and the referenced conditional approval could be located with the available information.

The September 1, 1983, proposed approval of the control strategy approval condition satisfaction is based upon a March 24, 1983, submittal from the State of Illinois which was supplemented on May 3, 1983. A detailed discussion of the basis of USEPA's action can be found in the notice of proposed rulemaking, and USEPA's technical support document which is available for review at USEPA's Region V office. No public comments were received in response to this proposed rulemaking. USEPA, therefore, finally approves the satisfaction of the control strategy approval condition for Cincinnati, Pekin and Elm Grove Townships in Tazewell County and for Logan and Limestone Townships in Peoria County. This action is immediately effective. It should be noted that this condition remains in effect for Hollis and Peoria Townships in Peoria County and for Groveland Township in Tazewell County.

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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 9, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

This notice is issued under authority of sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: July 31, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart O—Illinois

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

1. Section 52.720 is amended by adding paragraph (c)(46) as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(46) On March 24, 1983, and May 3, 1983, the State submitted information that indicated that a February 21, 1980 (45 FR 11472), conditional approval of the incorporation of a revised Part D sulfur dioxide control strategy into the Illinois State Implementation Plan has been satisfied for Cincinnati, Pekin and Elm Grove Townships in Tazewell County and for Logan and Limestone Townships in Peoria County. This approval condition required that the SIP include a reanalysis of the Pekin, Illinois area; a submittal of the analysis results to USEPA; the proposal of any necessary regulations to the Illinois Pollution Control Board necessary to insure attainment and maintenance of the sulfur dioxide standard; and the promulgation of any necessary regulations. Any promulgated regulations must be submitted to USEPA.

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[FR Doc. 84-21005 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[TN-014; A-4-FRL-2647-2]

Approval and Promulgation of Implementation Plans; Tennessee; Lead Plan for Memphis/Shelby County

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Pursuant to section 110 of the Clean Air Act and EPA's October 5, 1978, promulgation of a National Ambient Air Quality Standard (NAAQS) for lead (43 FR 46246), the Tennessee Department of Health and Environment on June 25, 1984, submitted a State Implementation Plan (SIP) for lead for Memphis/Shelby County. EPA had on December 21, 1983 (48 FR 56410) proposed to approve this SIP using parallel processing. Since the plan as formally submitted meets most requirements for lead SIP's, the Agency today approves it. The plan's new source review provisions are disapproved because they fail to provide for the review of all new major lead sources (those emitting five tons per year) and the modification of existing sources.

EFFECTIVE DATE: This action is effective September 7, 1984.

ADDRESS: Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Air Pollution Control, Memphis/Shelby County Health Department, 814 Jefferson Avenue, Memphis, Tennessee 38105.

Tennessee Department of Health and Environment, 150 9th Avenue, North, Nashville, Tennessee 37203.

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

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

Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Denise W. Pack, EPA Region IV, Air Management Branch, at the address listed above or phone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On October 5, 1978 (43 FR 46246), National Ambient Air Quality Standards (NAAQS) for lead were promulgated by the Environmental Protection Agency (EPA). Memphis/Shelby County complied with the requirements of section 110(a)(1) of the Clean Air Act by preparing a SIP for the implementation, maintenance, and enforcement of the primary and secondary lead NAAQS (1.5 μ/m^3, averaged over a calendar quarter).

On October 18, 1983, the Tennessee Department of Health and Environment submitted the lead SIP of the Memphis/Shelby County Health Department (MSCHD) to EPA for parallel processing. The plan developed by MSCHD identified Refined Metals as the only significant stationary source and the modeling data included indicates that no other area in the County is exceeding the NAAQS. The plan contains a control strategy which includes a source-specific regulation (operating permit) limiting emissions from the Refined Metals facility. Additional assurance of attainment of the standard in all areas of the County is guaranteed by application of the Federal lead phase-down program.

A dispersion modeling analysis was performed for the area around Refined Metals. Based on information contained in the SIP and additional analyses contained in the technical support document, EPA concludes that the control strategy for Refined Metals will result in attainment of the lead standard by the attainment date.

For other areas where monitoring had indicated an exceedance of the standard between 1974 and 1978, a proportional model was applied. These analyses indicated attainment. No exceedances have been observed since 1978. Based on the Federal regulations and information about past and projected national gasoline sales and assuming that lead concentrations decrease proportionally with automotive lead emissions, EPA has calculated critical lead concentrations for several base and attainment years. These were published in a July 1983 draft report entitled "Updated Information on Approval and Promulgation of Lead Implementation Plans" prepared for the EPA, OAQPS, CPDD, R.T.P., N.C. If the highest lead concentration for a given base year/attainment year combination is less than the critical value of that combination, EPA assumes that the standard will be attained by the attainment date. EPA finds that the measured quarterly lead concentrations in Shelby County were below EPA's critical values and should

be well below the national ambient air quality standard by 1985.

The plan also includes a summary of measured air quality data from 1974 to the present and a base-year emission inventory for stationary and mobile sources.

The MSCHD operates a lead monitoring network in accordance with the requirements contained in 40 CFR Part 58, and an additional monitoring site will be established to assume that emissions from the Refined Metals facility do not cause violations of the ambient air standard. The public may inspect the description of the monitoring network for lead at the MSCHD address listed above.

Using parallel processing, EPA proposed to approve the Memphis/Shelby County lead SIP on December 21, 1983 (48 FR 56410). Comments were received and considered and led to minor changes in the plan. These changes are not significant and are discussed in detail in the Technical Support Document available at the above addresses. Minor corrections called for by EPA were incorporated in the adopted version of the plan which the State submitted on June 25, 1984. However, it has come to the Agency's attention that the Memphis/Shelby County regulations do not require preconstruction review of new sources of lead emitting five or more tons of lead per year or modifications of lead point sources that emit 0.6 or more tons of lead per year. Because of this deficiency, EPA disapproves the new source review provisions of the plan.

Action

EPA is today approving Tennessee's lead SIP for Memphis/Shelby County except for the plan's new source review provisions.

This rule will not have a significant economic impact on a substantial number of small entities because it imposes no requirements beyond those specified in existing Federal regulations.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 9, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

Incorporation by reference of the Tennessee SIP was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

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

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: July 31, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart RR—Tennessee

1. Section 52.2220 is amended by adding subparagraph (c)(60) as follows:

§ 52.2220 Identification of plan.

* * * * *

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

* * *

(60) Lead implementation plan for Memphis/Shelby County, submitted on June 25, 1984, by the Tennessee Department of Health and Environment.

2. Section 52.2228 is amended by adding paragraph (e) as follows:

§ 52.2228 Review of new sources and modifications.

* * * * *

(e) The new source review provisions of the lead implementation plan for Memphis/Shelby County, submitted on June 25, 1984, by the Tennessee Department of Health and Environment, are disapproved because the local agency's regulations do not define a major source of lead as one emitting 5 tons per year or more.

[FR Doc. 84-20690 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-5-FRL-2647-4]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: The USEPA announces final action on revisions to the Illinois State Implementation Plan (SIP) for sulfur dioxide (SO_2). The revision pertains to the incorporation of Illinois Pollution Control Board (IPCB) Rule 204(f) as it applies to the Peoria metropolitan area with the exceptions noted below. This action is based upon a revision which was submitted by the State to satisfy the requirements of Part D of the Clean Air Act (Act).

Elsewhere in today's **Federal Register**, USEPA is publishing two related final rules. The first redesignates five townships in Peoria and Tazewell Counties attainment for SO_2. The second approves the satisfaction of an outstanding SO_2 Control Strategy approval condition for the townships redesignated to attainment.

EFFECTIVE DATE: This final rulemaking becomes effective on August 8, 1984.

ADDRESSES: Copies of this revision to the Illinois SIP are available for inspection 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

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Randolph O. Cano, at (312) 886-6035 before visiting the Region V Office).

Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: On April 11, 1984 (49 FR 14404), USEPA proposed to approve the incorporation of Illinois Pollution Control Board (IPCB) Rule 204(f) as it applies to sources in Peoria and Tazewell Counties into the Illinois SO_2 SIP. Rule 204(f) establishes a 1.8 lbs/MMBTU SO_2 emission limitation for existing fuel combustion sources, burning solid fuel exclusively, in the Chicago, St. Louis (Illinois—portion) and Peoria major metropolitan areas. USEPA proposed no action on the exceptions contained in Rule 204(f) (1) and (2), on Rule 204(f) as it applies to Caterpillar Tractor's Mapleton and East Peoria plants or on Rule 204(f) as it applies to sources in the Chicago and East St. Louis areas.

Further details concerning this action and USEPA's analysis are contained in USEPA's April 11, 1984, proposed rulemaking (49 FR 14404).

During the 30-day public comment period, USEPA received two public comments. The public comments and USEPA responses are summarized below.

Comment: Caterpillar Tractor objects to the exclusion of their Mapleton and East Peoria facilities from USEPA's proposed approval because: (a) those facilities can demonstrate compliance with the 1.8 lbs/MMBTU emission limitation, and (b) the modeled violations put forward by the Illinois Environmental Protection Agency (IEPA) are "inaccurate and misleading." The Company notes that Flue Gas Desulfurization (FGD) units for their coal-fired boilers must operate in such a manner to meet the SO_2 limit for Rule 204(f) in order to meet Illinois Rule 203(g)(1)(E)—the particulate rule for existing coal-fired boilers equipped with FGD. Also, the Company notes that the IEPA modeling predicts violations of the SO_2 NAAQS in only very small areas and that the modeling was conducted on the inaccurate assumption that all the East Peoria and Mapleton plants' coal-fired boilers would operate at 100 percent capacity simultaneously at 1.8 lbs/MMBTU. Finally, Caterpillar states that only their Mapleton plant had impact on hill terrain rather than both East Peoria and Mapleton as noted in the proposed rulemaking notice.

Response: USEPA did not propose approval of Rule 204(f) as it applies to Caterpillar Tractor's East Peoria and Mapleton plants because IEPA's modeling analyses predicted violations of the SO_2 NAAQS attributable to these plants at the 1.8 lbs/MMBTU emission limit. The IEPA analysis used USEPA guideline air quality models and assumed maximum allowable emissions (i.e., 1.8 lbs/MMBTU at 100 percent plant capacity) in addressing the short-term SO_2 NAAQS. If facilities do not operate at 100 percent capacity, such sources may be modeled at less than 100 percent capacity if the source is subject to a federally enforceable restriction reflecting the lower level of operation. Such restrictions may include limitations on the number of boilers and/or the operating load of the coal-fired boilers. No such restriction is in effect applicable to Caterpillar's Mapleton or East Peoria facilities.

Thus, although Caterpillar Tractor may be in compliance with Rule 204(f) under normal operating conditions, the 1.8 lbs/MMBTU limit in Rule 204(f) for the two Caterpillar Tractor plants is nevertheless inadequate to protect the short-term SO_2 NAAQS at full capacity operation.

Finally, Caterpillar Tractor correctly notes that the proposed rulemaking notice erred in stating that both the Mapleton and East Peoria plants contribute to violations of the SO_2 NAAQS in hilly terrain areas. The modeling for the East Peoria plant did not include an impact on terrain features in the vicinity of this plant. The Technical Support Document (TSD) prepared by USEPA correctly analyzes the modeling performed. Therefore, USEPA does not consider the misstatement to be significant.

Comment: IEPA objects to USEPA taking no rulemaking action on Rule 204(f) as it applies to sources in the Chicago and St. Louis (Illinois portion) areas. IEPA believes that, because the new Rule 204(f) was approved and promulgated by the Illinois Pollution Control Board (Order R80–22) on February 24, 1983, as it applied to Peoria, Chicago and St. Louis (Illinois—portion), USEPA should address all these areas in this rulemaking.

Reponse: USEPA's notice of proposed rulemaking was in response to IEPA's request dated January 30, 1984. In that request, IEPA recommended that Rule 204(f) of Illinois PCB Order R80–22 "only as it applies to existing fuel combusting sources in the Peoria metropolitan area, be approved as a revision to the SIP." USEPA has not yet completed its review of Rule 204(f) as it applies to sources outside the Peoria area. Consequently, we will propose rulemaking on Rule 204(f) as it applies to the Chicago and St. Louis (Illinois—portion) major metropolitan areas in a subsequent notice.

Final Determination: USEPA approves the incorporation of Rule 204(f) as it applies to all sources in Peoria and Tazewell Counties except Caterpillar Tractor Mapleton and East Peoria plants into the Illinois SO_2 SIP. USEPA is taking no action on Rule 204(f) as it applies to the Chicago or St. Louis (Illinois) major metropolitan areas or on Rule 204(f) (1) and (2) in this final rulemaking.

The sources affected by this rulemaking were previously subject to an identical SO_2 emission limit contained in IPCB Rule 204(c)(1)(A). On August 30, 1983, the U.S. Court of Appeals for the Seventh Circuit (*Sierra Club* v. *Indiana Kentucky Electric Corporation*, 716 F.2d 1145) ruled that a federal court may not enforce a federally approved implementation plan provision that was thereafter invalidated by a court of the adopting State on State law procedural grounds. Consequently, Rule 204(c)(1)(A), which had been invalidated by a State court, cannot be interpreted as federally enforceable. Because there is no federally enforceable SO_2 emission limit for sources previously subject to Rule 204(c)(1)(A) until this final rulemaking is effective, this rulemaking is made immediately effective upon publication.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 9, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

This notice is issued under authority of sections 110 and 172 of the Act, as amended (42 U.S.C. 7410 and 7502).

Dated: July 31, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart O—Illinois

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

1. Section 52.720 is amended by adding paragraph (c)(51) to read as follows:

§ 52.720 [Amended]

* * * * *

(c) * * *

(51) On January 30, 1984, the State submitted Rule 204(f) as contained in a February 24, 1983, Order of the IPCB (R80–22) as it applies to sources in the Peoria Major Metropolitan area for incorporation in the SIP. USEPA approves the incorporation of Rule 204(f) into the SIP as it applies to all sources in Peoria and Tazewell Counties except Caterpillar Tractor Mapleton and East Peoria Plants. No action is taken on Rule 204(f) as it applies to the Chicago or St. Louis (Illinois—portion) Major

Metropolitan Areas or on Rule 204(f) (1) and (2).

* * * * *

[FR Doc. 84-20993 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-5-FRL-2647-6]

Designations of Areas for Air Quality Planning Process; Attainment Status Designations; Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This rulemaking revises the sulfur dioxide (SO_2) attainment status designation for Limestone and Logan Townships in Peoria County and for Cincinnati, Elm Grove and Pekin Townships in Tazewell County to attainment from nonattainment. This action is based on a March 24, 1983, request from the State of Illinois to redesignate Peoria and Tazewell Counties attainment for SO_2. Under the Clean Air Act (Act) designations can be changed if sufficient data are available to warrant the change. Elsewhere in today's **Federal Register**, USEPA finally approves the Illinois SO_2 control strategy for five townships within Peoria and Tazewell Counties.

EFFECTIVE DATE: This final rulemaking becomes effective August 8, 1984.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses.

Environmental Protection Agency, Region V, Air Programs Branch, 230 S. Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchhill Road, Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: On September 1, 1983 (48 FR 39653) USEPA proposed to revise the designation of Limestone and Logan Townships in Peoria County and Cincinnati, Elm Grove and Pekin Townships in Tazewell County from nonattainment to attainment for the pollutant sulfur dioxide. This revision was based on a March 24, 1983, request from the State which was supplemented May 3, 1983. A detailed discussion of the basis of USEPA's action can be found in the notice of proposed rulemaking and USEPA's technical support document which is available for review at USEPA's Region V office. The dates for the public comment period on this proposed redesignation were not included in the September 1, 1983 (48 FR 39655), proposed redesignation. On September 26, 1983 (43 FR 43699), USEPA published a notice of correction which provided an opportunity for public comment on this proposed redesignation until October 11, 1983.

The Illinois Environmental Protection Agency (IEPA) submitted the only public comment received.

Comment: IEPA disagreed with USEPA's proposed intention not to change the attainment status of Groveland Township in Tazewell County from primary nonattainment for sulfur dioxide. IEPA indicated that there are no major sulfur dioxide sources in Groveland Township and that previous IEPA air quality modeling analysis indicated that there are no air quality problems in this township.

Response: USEPA took no action on the proposed redesignations for Peoria and Groveland Townships because the available air quality analyses do not assure that the existing sulfur dioxide emission limitations will assure attainment and maintenence of the sulfur dioxide NAAQS in the townships.

Final Determination: USEPA revises the sulfur dioxide attainment designation for Limestone and Logan Townships in Peoria County and for Cincinnati, Elm Grove and Pekin Townships in Tazewell County to attainment from nonattainment. This action is immediately effective. Additionally USEPA is denying the State's request to designate Hollis and Peoria Townships in Peoria County or Groveland Township in Tazewell County attainment for the pollutant sulfur dioxide. These areas will remain nonattainment.

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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 9, 1984. This action may not be challenged later in proceedings to enforce its requirements (See sec. 307(b)(2).)

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407))

Dated: July 31, 1984.

William D. Ruckelshaus,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES—ILLINOIS

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows: 1. Limestone and Logan Townships in Peoria County and Cincinnati, Elm Grove and Pekin Townships in Tazewell County are Designated Attainment and added to the table in § 81.314 as follows:

§ 81.314 Illinois.

* * * * *

ILLINOIS—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR65:				
Peoria County:				
Hollis twp	X	X		
Peoria	X			
All other twps				X
Tazewell County:				
Groveland twp	X			
All other twps				X

* * * * *

[FR Doc. 84-21004 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP 300081A; FRL-2644-7]

Pesticide Programs: Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Isophorone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts isophorone from the requirement of a tolerance when used as a solvent and cosolvent in pesticide formulations, A broadening of the regulation was requested by Rohm and Haas Co., and the removal of restrictions was proposed by the Agency.

EFFECTIVE DATE: Effective on August 8 1984.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: N. Bushan Mandava, Registration Support and Emergency Response Branch, Registration Division (TS–767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7700).

SUPPLEMENTARY INFORMATION:

EPA issued a notice published in the **Federal Register** of November 16, 1983 (48 FR 52097), that Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, had submitted a request that 40 CFR 180.1001(d) be amended by expanding the exemption from the requirement of a tolerance for isophorone as a solvent in pesticide formulations to cover all crops and to remove the existing restrictions on use.

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

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

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption from the requirement of a tolerance will protect the public health and is established as set forth below

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: March 26, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1001(d) is amended by revising the listing for isophorone, as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
Isophorone (CAS Reg. No. 78–59–1)		Solvent, cosolvent.
* * * * *		

[FR. Doc. 84–20436. Filed 8–7–84; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 1F2476/R690; FRL–2647–8]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide permethrin and its metabolites in or on corn grain (field and pop). This regulation to establish maximum permissible levels for the combined residues of permethrin was requested pursuant to petitions by FMC Corp.

EFFECTIVE DATE: August 8, 1984.

ADDRESS: Written objections, identified by the document control number [PP 1F2476/R690] may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Timothy Gardner, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 227, CM #2, Registration Division (TS–767C), Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of May 5, 1981 (46 FR 25137), which announced that FMC Corp., Agricultural Chemical Group, 2000 Market St., Philadelphia, PA 10103, had submitted pesticide petition PP 1F2476 to EPA proposing to establish tolerances for the combined residues of the insecticide permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethyl-cyclopropanecarboxylate)] and its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3-PBA) calculated as parent in or on the raw agricultural commodities corn fodder (field and pop) at 5 ppm, corn forage (field and pop) at 12 ppm, and corn grain (field and pop) at 0.05 ppm. A revised Section F petition was submitted to increase the level in or on corn fodder (field and pop) to 12 ppm. Another revised Section F petition was submitted to eliminate the request for the tolerance

on corn fodder and forage (field and pop).

No comments were received in response to the notice of filing.

The initial petition proposing tolerances on corn fodder, forage, and grain (field and pop) reflected a use pattern of broadcast treatments after the eggs begin to hatch or the insects appear and would have allowed applications after the ears had formed. The label carried a restriction not to cut for silage within 7 days of last application and a preharvest interval (PHI) of 30 days. For this use pattern, a food additive tolerance would have been required for corn oil and soap stock. However, the amended petition states that the use directions will allow application as a pre-emergence treatment and post-emergence treatment prior to ear formation. The label also bears the restriction not to cut for silage or graze livestock within 30 days of the last application.

An overall examination of the residue data submitted in the present amendments and in previous submissions indicate that the total permethrin residues (parent plus metabolites) would not be expected to exceed the proposed tolerance level of 0.05 ppm. Even when exaggerated rates of application were used for pre-emergent and prior-to-ear-formation treatments during the growth of field corn, no residues (except on 0.02 ppm residue of DCVA) were observed at the detectable level of 0.02 ppm. Based on these residue data and the fact that permethrin is a nonsystemic compound, the 0.05 ppm tolerance on corn grain is adequate, and food additive tolerances on corn oil and soap stock are unnecessary.

The data submitted and other relevant material have been evaluated. The toxicological data considered in support of the tolerances have been discussed in detail in the **Federal Register** of October 13, 1982 (47 FR 45008).

Granting this tolerance will increase the theoretical maximum residue contribution from 1.2303 to 1.2311 mg/day. This increase is slight and, thus, the discussion of the toxicological concerns applies without revision to the newly listed commodity. The percentage of the acceptable daily intake used will increase from 41.01 to 41.04.

The metabolism of permethrin is adequately understood, and an adequate analytical method, gas-liquid chromatography with an electron capture detector, is available for enforcement purposes. No actions are pending against continued registration of permethrin, nor are any other considerations involved in establishing tolerances.

The tolerances established by amending 40 CFR 180.378 will be adequate to cover secondary residues that would result in eggs, milk, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep as delineated in 40 CFR 180.6(a)(2).

The pesticide is considered useful for the purpose for which the tolerances are sought. There are no regulatory actions pending against the continued registration of the pesticide. Based on the information cited above, the Agency has determined that the establishment of the tolerance will protect the public health and is established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

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

List of Subjects in 40 CFR Part 180

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

Dated: July 21, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.378(b) is amended by adding and alphabetically inserting the following commodity, to read as follows:

§ 180.378 Permethrin; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million
* * * * *	
Corn grain (field and pop)	0.05
* * * * *	

[FR Doc. 84-20835 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[00000/R680; OPP-FRL-2648-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ethylene Dichloride (1,2-Dichloroethane)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document corrects the entry for ethylene dichloride (1,2-dichloroethane) in 40 CFR 180.1001(d). An error was inadvertently introduced in a yearly revision of the Code of Federal Regulations (CFR).

EFFECTIVE DATE: August 8, 1984.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Federal Register Unit (TS-788), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-382-3637).

SUPPLEMENTARY INFORMATION: The entry for ethylene dichloride (1,2-dichloroethane) in 40 CFR 180.1001(d) was originally published in the **Federal Register** of November 25, 1971 (36 FR 22540), as a single entry with the "uses" portion being "Solvent, cosolvent." The entry appeared as such in 40 CFR revised through July 1, 1977. In 40 CFR revised as of July 1, 1978, this single entry erroneously appeared as two entries—"Ethylene dichloride" and "(1,2-dichloroethane)" with the uses portions indicating "stabilizer." These incorrect entries appear in subsequent editions of the CFR. This document corrects the entries.

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

List of Subjects in 40 CFR Part 180

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

Dated: July 27, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1001(d) is corrected by revising the two entries "Ethylene dichloride" and "(1,2-dichloroethane)" into one entry, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Insert ingredients	Limits	Uses
* * * * *		
Ethylene dichloride		Solvent, cosolvent
* * * * *		

* * * * *

[FR Doc. 84-20836 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3F2885/R687; OPP-FRL-2648-3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of isobutyric acid in or on grapes (resulting from application of ammonium isobutyrate and isobutyric acid). This regulation was requested pursuant to a petition by DMB Packing Corp.

EFFECTIVE DATE: August 8, 1984.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 245, CM #2, Registration Division (TS-767C), Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of June 22, 1983 (48 FR 28544), which announced that DMB Packing Corp., Fresno and N Streets, Newman, CA 95360, had submitted pesticide petition PP 3F2885 proposing to amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for residues of isobutyric acid resulting from application of ammonium isobutyrate to the raw agricultural commodity grapes.

Isobutyric acid is currently exempted from the requirement of a tolerance for residues resulting from postharvest application of ammonium isobutyrate or isobutyric acid to alfalfa; bermuda grass; bromegrass; clover; corn; fescue; the grains of barley, oats, sorghum, and wheat; lespedeza, orchardgrass; and timothy (40 CFR 180.1030).

No comments were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. No new mammalian toxicity data were submitted. Toxicology review indicates that no RPAR criteria (as related to humans and domestic animals) have been exceeded and that no regulatory actions are pending against the pesticide. Isobutyric acid is a trace component in butter, cheese, tobacco, beer, and tea. Both isobutyric acid and ammonium isobutyrate are considered to be naturally occurring constituents of humans and other biota. Based on the above considerations, the proposed exemption from a tolerance is toxicologically supported.

The nature of the residue is adequately understood. The residue of concern consists of isobutyric acid. A suitable analytical method is available. There will be no detectable residues of isobutyric acid (<1 ppm) on grapes and processed grape byproducts as a result of this use. No secondary residues are expected to occur in meat, milk, poultry, or eggs.

The pesticide is considered useful for the purpose for which the tolerance is sought. There are no regulatory actions pending against the continued registration of the pesticide. Based on the information cited above, the Agency has determined that the establishment of the tolerance will protect the public health and is established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

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

List of Subjects in 40 CFR Part 180

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

Dated: July 30, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

§ 180.1030 [Amended]

Therefore, 40 CFR Part 180 is amended in § 180.1030 *Isobutyric acid; exemption from the requirement of a tolerance* by adding and alphabetically inserting the raw agricultural commodity "grapes" in the list of commodities.

[FR Doc. 84-20841 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3F2950/R692; OPP-FRL 2650-8]

Pesticide Chemicals in or on Raw Agricultural Commodities; 2-[1-(Ethoxyimino)Butyl]-5-[2-(Ethylthio)Propyl]-3-Hydroxy-2-Cyclohexene-1-One

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites in or on raw agricultural commodities sugar beet roots and sugar beet tops. The regulation to establish a maximum permissible level for residues of the

herbicide was requested pursuant to a petition by BASF Wyandotte Corp.

EFFECTIVE DATE: Effective on August 8, 1984.

ADDRESS: Written objections, identified by the document control number [PP 3F2950/R692], may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM–25), Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of October 26, 1983 (48 FR 49543), which announced that BASF Wyandotte Corp., 1000 Cherry Hill Rd., Parsippany, NJ 07054, had filed pesticide petition 3F2950 with the Agency requesting the establishment of tolerances in 40 CFR 180.412 for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the raw agricultural commodities sunflower seed at 7.0 parts per million (ppm), sugar beet roots at 0.05 ppm, sugar beet tops at 0.20 ppm, peanuts at 20.0 ppm, peanut hulls at 5 ppm, and peanut hay at 15.0 ppm.

The petitioner subsequently amended the petition by withdrawing the request for sunflower seed, peanuts, peanut hulls, and peanut hay and requesting the establishment of tolerances for sugar beet roots, at 0.1 ppm and sugar beet tops, at 0.2 ppm.

No comments were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the tolerances include several acute studies, a skin sensitization study (guinea pig) which was negative, a teratology study (rat) with no observed teratogenic effects at 250 milligrams (mg)/kilograms (kg)/day (highest dose tested) and a no-observed-effect level (NOEL) of 40 mg/kg/day for maternal toxicity; a teratology study (rabbit) with no observed teratogenic effects at 160 mg/kg/day and a NOEL of 160 mg/kg/day for maternal toxicity; a 2-generation reproduction study (rat) with a NOEL of 360 ppm (18 mg/kg/day); a 2–year chronic feeding/oncogenicity study (mice) with a NOEL of 120 ppm and no observed oncogenic effects under the conditions of the study at all dose levels tested (0, 40, 120, 360, and 1,080 ppm); a 2-year chronic feeding/oncogenicity study (rats) with a NOEL of 360 ppm (18 mg/kg/day) and no observed oncogenic effects under the conditions of the study at all dose levels tested (0, 40, 120, or 360 ppm); a 6-month dog feeding study with a NOEL of 20 mg/kg/day; a 14-week feeding study (mouse) with a NOEL of 300 ppm (15 mg/kg/day); a 14-week feeding study (rat) with a NOEL of 300 ppm (15 mg/kg/day); mutagenicity studies including recombinant assays and forward mutations in *B subtillis, E. coli,* and *S. typhimurium* (negative at concentrations of chemical to 100 percent), and a host-mediated assay (mouse) with *S. typhimurium* (negative at 2.5 grams (gm)/kg/day of chemical); and a metabolism study (rats).

The acceptable daily intake (ADI), based on the 2-year rat chronic feeding/oncogenicity study (NOEL of 18 mg/kg/day) and using a 100-fold safety factor, is calulated to be 0.18 mg/kg/day. The maximum permissible intake (MPI) of a 60-kg human is calculated to be 10.8 mg/day. The theoretical maximum residue contribution (TMRC) for existing tolerances for a 1.5-kg diet is calculated to be 0.2328 mg/day. Published tolerances use 2.16 percent to the ADI. The current action will use 0.05 percent of the ADI.

Additional toxicity studies (including a subchronic feeding study) using hydroxy metabolites as the test material are lacking. Some of these studies have been submitted and are under review. The registrant has agreed to perform and submit all the requested studies.

The nature of the residue is adequately understood for the use of this chemical on sugar beets, and an adequate analytical method, gas chromatography using a sulfur-specific flame photometric detector, is available for enforcement purposes. There are currently no actions pending against the continued registration of this chemical. Sugar beets are not feed items for poultry; therefore, no residues are expected in poultry or eggs from this use. Residues which occur in meat and milk from this use will not exceed the established tolerances for these items.

Based on the above information considered by the Agency, it is concluded that the tolerances established by amending 40 CFR Part 180 will protect the public health and are established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

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

List of Subjects in 40 CFR Part 180

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

Dated: July 30, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.412 is amended by adding and alphabetically inserting two new entries, to read as follows:

§ 180.412 2-[1-Ethoxyimino)butyl]-5-[2-(ethylthio))propyl]-3-hydroxy-2-cyclohexene-1-one; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Sugar beet, roots	0.1
Sugar beet, tops	0.2
* * * * *	

[FR Doc. 84–20983 Filed 8–7–84; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[OPP-300090A; FRL-2650-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Wool Fat (Anhydrous Lanolin)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts wool fat (anhydrous lanolin) from the requirement of a tolerance when used as a surfactant in pesticide formulations for use on growing crops. This regulation was requested by the American Hoechst Corp.

EFFECTIVE DATE: Effective on August 8, 1984.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

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

Office location and telephone number: Registration Support and Emergency Response Branch, Rm. 716D, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of June 13, 1984 (49 FR 24387), which announced that the American Hoechst Corp., Sommerville, NJ 08876, had requested that 40 CFR 180.1001(d) be amended by establishing an exemption from the requirement of a tolerance for wool fat (anhydrous lanolin) as a stabilizer in pesticide formulations applied to growing crops only.

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

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

The pesticide is considerd useful for the purpose for which the exemption is sought. It is concluded that the exemption from the requirement of a tolerance will protect the public health and is established as set forth below.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: July 31, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

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

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

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

[FR Doc. 84-20986 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300089A; FRL 2650-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Dibutyltin Dilaurate, Ethyl Vinyl Acetate, Nitrile Rubber Modified Acrylonitrile-Methylacrylate Copolymers, Polyethylene, Polypropylene, Tetrafluoropolyethylene

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts dibutyltin dilaurate, ethyl vinyl acetate, nitrile rubber modified acrylonitrile-methylacrylate copolymers, polyethylene, polypropylene, and tetrafluoropolyethylene from the requirement of a tolerance when used as ingredients in plastic ear tags and tail devices for ruminants and swine in pesticide formulations. These regulations were requested by NOR-AM Chemical Co.

EFFECTIVE DATE: August 8, 1984.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

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

Office location and telephone number: Registration Support and Emergency Response Branch, Rm. 716D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of June 6, 1984 (49 FR 23394), which announced that NOR-AM Chemical Co., 4311 Lancaster Pike, P.O. Box 2867, Wilmington DE 19805, had requested that 40 CFR 180.1001(e) be amended by establishing an exemption from the requirement of a tolerance for dibutyltin dilaurate, ethyl vinyl acetate, nitrile rubber modified acrylonitrile-methylacrylate copolymers, polyethylene, polypropylene, and tetrafluoropolyethylene when used as inert ingredients in plastic ear tags and tail devices for ruminants and swine.

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

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

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption from the requirement of a tolerance will protect the public health and is established as set forth below.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: July 31, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180.1001(e) is amended by adding and alphabetically inserting the inert ingredients, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(e) * * *

Inert ingredients	Limits	Uses
* * * * *		
Dibutyltin dilaurate (CAS Registry No. 77-58-7).		Component of plastic slow release tag.
* * * * *		
Ethyl vinyl acetate (CAS Registry No. 24937-78-8).		Do.
* * * * *		
Nitrile rubber modified acrylonitrile-methylacrylate (CAS Registry No. 27012-62-0) conforming to 21 CFR 177.1480.		Do.
* * * * *		
Polyethylene (CAS Registry No. 9002-88-4) conforming to 21 CFR 172.615.		Do.
* * * * *		
Polypropylene (CAS Registry No. 9003-07-0).		Do.
* * * * *		
Polytetrafluoroethylene (CAS Registry No. 9002-84-0).		Do.
* * * * *		

[FR Doc. 84-20984 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6558

[A 13398]

Arizona; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order, as amended insofar as it affects 6.40 acres of public land withdrawn for the Salt River Project near Phoenix, Arizona. The land has been classified for public sale and thus will remain closed to other forms of surface entry and mining. It has been and will remain open to mineral leasing.

EFFECTIVE DATE: August 8, 1984.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of July 2, 1902, as amended by Secretarial Orders of August 26, 1902, and August 21, 1909, respectively, which withdrew lands for the Salt River Project, is hereby revoked insofar as it affects the following described land:

Gila and Salt River Meridian, Arizona

T. 1 N., R. 7 E.,

Sec. 18, lots 7, 9, and 11.

The area described contains 6.40 acres in Maricopa County.

2. The above described land has been classified for public sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713. Thus it will remain segregated from disposition under other public land laws, including the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws.

All the lands described in this order have been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the public land should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: July 26, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-20989 Filed 8-7-84; 8:45 am]

BILLING CODE 4310-84-M

Proposed Rules

Federal Register
Vol 49, No. 154
Wednesday, August 8, 1984

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 402, et seq.

[Doc. No. 0643S]

General Amendment; Claim for Indemnity; Interest Payments

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend all crop insurance regulations (7 CFR Part 400 *et seq.*), effective with the 1985 and succeeding crop years, to incorporate a provision for payment of interest on indemnity payments not made within a specified time. This proposed action is under the authority of the Federal Crop Insurance Act, as amended. The intended effect of this action is to amend the Claim for Indemnity section of all crop insurance regulations fo FCIC simultaneously to prescribe procedures for such interest payments.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by no later than October 9, 1984, to be sure of consideration.

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 (December 15, 1983). This action does not constitute a review under such procedures as to the need, currency, clarity, and effectives of these regulations. The sunset review date established for the regualtions amended by this rule is contained in the preamble to the **Federal Register** publication of each of the regulations amended.

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

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

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

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

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

Background

Although FCIC attempts to make all indemnity payments within 30 days of the filing of a proper claim, Data Processing backlog and the need for further investigation have on some occasions, delayed payment past to targeted date. FCIC believes, on those occasions where the delay is due to procedural requirements of FCIC and through no fault of the insured, that FCIC should pay interest on the amount eventually found to be due the insured.

The system of compensation of interest payments, as outlined herein, will be effective for the 1985 crop year, beginning with coverages on spring 1985 crops, and will be based on the following procedure:

When an insured has signed, dated and submitted a claim for indemnity form, FCIC will consider a formal claim to exist. The past due date of the payment will be the 60th day after the insured submits the signed and dated claim form to the FCIC. Payment will be made as soon as possible. In the event FCIC does not make payment within the 60 day period, interest will be included with the payment computed from the 61st day through the payment date. The amount of interest will be stated separately on the check or accompanying remittance advice.

The interest rate established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) and published in the **Federal Register** will be applicable. This rate is referred to as the "Renegotiation Board Interest Rate", and is published semi-annually on or about January 1 and July 1.

On December 14, 1983, the Board of Directors of the Federal Crop Insurance Corporation approved for publication as a notice of proposed rulemaking, the payment of interest whenever indemnity payments are not made timely and for implementation of that concept by the Manager of the Corporation, effective for 1985 spring crops. Since all regulations for insuring crops will be affected, it has been determined to propose amendments to all crop insurance regulations containing a Claim for Indemnity section (Section 9) simultaneously, as contained herein.

FCIC is soliciting comments on this proposed rule for 60 days from the date of publication in the **Federal Register**. All comments made pursuant to this notice will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 402 et seq.

Crop insurance, Indemnity payments, Interest rate.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the crop insurance regulations contained in 7 CFR Part 400 *et seq.*, effective with the 1985 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR 402.7, 403.7(d)(9)(h), 404.7(d)(9)(h), 408.7(d)(9)(h), 409.7(d)(9)(i), 410.7(d)(9)(o), 411.7(d)(9)(h),

413.7(d)(9)(h), 414.7(d)(9)(k), 415.7(d)(9)(h), 416.7(d)(9)(h), 417.7(d)(9)(h), 418.7(d)(9)(h), 419.7(d)(9)(h), 420.7(d)(9)(j), 421.7(d)(9)(h), 422.7(d)(9)(h), 423.7(d)(9)(h), 424.7(d)(9)(h), 425.7(d)(9)(k), 427.7(d)(9)(h), 428.7(d)(9)(j), 429.7(d)(9)(h), 430.7(d)(9)(j), 431.7(d)(9)(j), 432.7(d)(9)(k), 433.7(d)(9)(k), 434.7(d)(9)(h), 435.7(d)(9)(g), 436.7(d)(9)(h), 437.7(d)(9)(h), 438.7(d)(9)(h), 439.7(d)(9)(h), 440.7(d)(9)(j), 441.7(d)(9)(h), 442.7(d)(9)(g), 443.7(d)(9)(h), 444.7(d)(9)(k), 445.7(d)(9)(k), 446.7(d)(9)(h), and 447.7(d)(9)(j), is:

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

2. 7 CFR 402.7(d)9.(n), 403.7(d)9.(h), 404.7(d)9.(h), 408.7(d)9.(h), 409.7(c)9.(i), 410.7(d)9.(o), 411.7(d)9.(h), 413.7(d)9.(h), 414.7(d)9.(k), 415.7(d)9.(h), 416.7(d)9.(h), 417.7(d)9.(h), 418.7(d)9.(h), 419.7(d)9.(h), 420.7(d)9.(j), 421.7(d)9.(h), 422.7(d)9.(h), 423.7(d)9.(h), 424.7(d)9.(h), 425.7(d)9.(k), 427.7(d)9.(h), 428.7(d)9.(j), 429.7(d)9.(h), 430.7(d)9.(j), 431.7(d)9.(j), 432.7(d)9.(k), 433.7(d)9.(k), 434.7(d)9.(h), 435.7(d)9.(g), 436.7(d)9.(h), 437.7(d)9.(h), 438.7(d)9.(h), 439.7(d)9.(h), 440.7(d)9.(j), 441.7(d)9.(h), 442.7(d)9.(g), 443.7(d)9.(h), 444.7(d)9.(k), 445.7(d)9.(k), 446.7(d)9.(h), and 447.7(d)9.(j), are revised to read as follows:

* * * * *

We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fee, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will pay simple interest, however, computed on the net indemnity ultimately found to be due to you by us or by a final judgment from and including the 61st day after the date the insured signs, dates and submits to us the properly completed claim for indemnity form, if the reason for non-payment is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under section 12 of the Contract Disputes Act (41 U.S.C. 611) and published in the Federal Register. This rate is referred to as the "Renegotiation Board Interest Rate" and is published semi-annually on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury. Interest will be paid in accordance with this section beginning with the 1985 crop year.

Approved by the Board of Directors on December 14, 1983.

Diana Moslak,

Acting Secretary, Federal Crop Insurance Corporation.

Dated: August 2, 1984.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 84–20981 Filed 8–7–84; 8:45 am]

BILLING CODE 3410–08–M

Federal Grain Inspection Service

7 CFR Part 810

Proposed Revision of the U.S. Standards for Oats

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: According to the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) has reviewed the U.S. Standards for Oats. Pursuant to this review, FGIS proposes to revise the oats standards to (1) delete the special grade "Tough" and the Sample grade requirement for high-moisture oats, (2) update the definition for U.S. Sample grade by including specific limits for broken glass, castor beans, unknown foreign substances, cockleburs, and animal filth, (3) add a definition for damaged kernels and revise the definitions for distinctly low quality, other grains, and test weight per bushel, and make other non-substantive miscellaneous changes in language, format, and references. These changes are proposed so as to update and conform the standards to other grain standards.

DATE: Comments must be submitted on or before October 9, 1984.

ADDRESS: Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Management Branch, USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., address as above, telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512–1. The action has been classified as nonmajor, because it does not meet the criteria for a major regulation established in the order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles Administrator, FGIS, has determinend that this proposed rule will not have a significant economic impact on a substantial number of small entities because those persons who apply the standards and most users of oats inspections services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Further, the standards are applied equally to all entities by FGIS employees or licensed persons.

Review of Standards

This review of the standards included a determination of the continued need for the standards and the potential to clarify or simplify the language of the standards; a review of changes in marketing practices and functions affecting the standards; a review of changes in technology and economic conditions in the area affected by the standards; and a determination of the potential to impove the standards and their application through the incorporation of grading factors or tests which better indicate quality attributes. The objective is to assure that the standards continue to serve the needs of the market to the greatest possible extent.

A notice requesting public comment on the U.S. Standards for Oats was published in December 29, 1983 Federal Register (48 FR 57304). Within the 60-day comment period, one comment was received. The commenter stated that the two issues discussed in the notice, which included the grading and certification of high-moisture oats and the updating of the Sample grade definition, should be incorporated into the standards.

Comments including data, views, and arguments are solicited from interested persons. Pursuant to section 4(b) of the United States Grain Standards Act (7 U.S.C. 76(b)), upon request, such information may be orally presented in an informal manner. Also, pursuant to section 4(b) of the Act, no standards established or amendments or revocations of standards under the Act are to become effective less than one calendar year after promulgation, unless in the judgment of the Administrator the

public health, interest, or safety requires that they become effective sooner.

A review of available information indicates that the proposed revisions in the standards would increase the clarity and effectiveness of the standards and reflect current marketing practices. As a result of this review, FGIS is proposing the following changes to the U.S. Standards for Oats.

1. Delete the special grade "Tough" and the Sample grade requirement for high-moisture oats. Currently, "Tough" is defined as "oats which contain more than 14.0 percent but not more than 16.0 percent of moisture" (7 CFR 810.258(i)) and is therefore characteristic of moisture content. Also, U.S. Sample grade is oats which contain more than 16 percent of moisture (7 CFR 810.256). Moisture content and as such "Tough" is not descriptive of grain quality. Moisture content is a condition of the grain rather than a quality factor. Pursuant to currrent trade practices, discounts for moisture generally are assessed on the actual moisture content rather than numerical grade to account for weight loss and drying costs of the handler. High moisture grain is a normal condition during movement from harvest into market channels or storage. Moisture content by itself not imply an intrinsic quality, but rather measures the amount of dry matter and water content of the grain. Moreover, moisture content can be specified through contracting which is a common practice, for example, with corn. Since specifying a maxmum mositure content is a common practice, the sample grade limit and special grade generally do not serve a useful purpose. Also, the grain may be dried and graded accordingly. The moisture content will continue to be shown on all official certificates which show the official grade determination as required under § 800.162(a)(3) of the regulations. The special grade "Tough" has been deleted from other grain standards. Moisture content is not a grade-determining factor in the U.S. Standards for Wheat, Barley, Oats, Triticale, and Rye. It has been proposed to be delected from certain other grains. Accordingly, this proposal would add consistency among the various grain standards.

2. Amend the Sample grade definition (7 CFR 810.256) to include limits for broken glass, castor beans, unknown foreign substances, cocklebur, and animal filth. The limits of 2 or more pieces of glass, 2 or more castor beans, 4 or more particles of an unknown foreign substance(s) or a commonly recognized harmful or toxic substance(s), 8 or more cocklebur seeds, or 10 or more pieces of rodent pellets, bird droppings, or other animal filth have been followed in the inspection process for many years as they have appeared in the FGIS Grain Inspection Handbook and do not constitute a change in inspection procedures. The limits should be included to make the oats standards conform to the format of other grain standards.

3. Update and enhance the clarity and uniformity between standards, and make other miscellaneous changes including a definition for a new term, "damaged kernels", updated definitions for several terms, and reference to FGIS handbooks and make format changes. Specifically, § 810.252 would be expanded to include a definition for the term "damaged kernels" with a concomitant redesignation of the paragraphs in the section. This definition is the same or similar to the term as used in other grain standards. The current (a) *Distinctly low quality* would be clarified to show how stones and debris too large to enter the sampling device are applied. The current (f) *Other grains* would be clarified to include safflower. The current (j) *Test weight per bushel* would be slightly modified for clarity and uniformity with other grain standards. Section 810.253 would be modified by dividing the section into 2 parts, (a) and (b), to clarify the basis of determinations, and to conform the section to the term as used in other grain standards as appropriate. The information which would appear is generally contained in the FGIS Handbooks. Section 810.254 would be amended to delete unnecessary reference to field offices, official agencies, and interested parties, so as to conform the language in this section to identical sections in other grain standards. Section 810.257(b) would be clarified to show that the footnote indicator "1" and the foonote should read "4"; and the current § 810.252 (b), (e), and (j), § 810.255 (second paragraph), § 810.258 (h) and (j), and footnotes 2 and 4 would be updated to reference the Inspection and Equipment Handbooks and to delete obsolete references. Also miscellaneous non-substantive format changes are proposed to §§ 810.255 and 810.256.

List of Subjects in 7 CFR Part 810

Exports, Grains.

PART 810—OFFICIAL U.S. STANDARDS FOR GRAIN

Accordingly, it is proposed that § 810.252 through § 810.256, paragraph (b) of § 810.257, paragraphs (h) and (i) of § 810.258, and the undesignated center headings appearing before these sections, be revised to read as follows:

United States Standards for Oats[1]

Terms Defined

§ 810.252 Definition of other terms.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Damaged kernels.* Kernels and pieces of kernels of oats, other grains (see paragraph (g) of this section), and wild oats which are badly ground-damaged, badly weather-damaged, diseased, frost-damaged, heat-damaged, insect-bored, mold-damaged, sprout-damaged, or otherwise materially damaged in a work portion of the sample as a whole.

(b) *Distinctly low quality.* Oats which are obviously of inferior quality because they contain foreign substances or because they are in an unusual state or condition, and which cannot be properly graded using the other grading factors provided in the standards. Distinctly low quality shall include oats which contain any objects too large to enter the sampling device, i.e., large stones, wreckage, or similar objects.

(c) *Fine seeds.* All matter which may be removed from a test portion of the original sample by an approved device following procedures prescribed in the Grain Inspection Handbook.[2] For the purpose of this paragraph, "approved device" shall be the 5/64 triangular-hole sieve.[3]

(d) *Foreign material.* All matter other than oats, wild oats, and other grains (see paragraph (g) of this section). Oat clippings and detached oat hulls and pieces of detached hulls are foreign material.

(e) *Heat-damaged kernels.* Kernels and pieces of kernels of oats, other grains (see paragraph (g) of this section), and wild oats which are materially discolored and damaged as a result of heating.

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[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The following publications are referenced in these standards. Copies may be obtained from the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, D.C. 20250.

(a) Equipment Handbook, U.S. Department of Agriculture, Federal Grain Inspection Service.

(b) Grain Inspection Handbook, U.S. Department of Agriculture, Federal Grain Inspection Service.

[3] Requests for information concerning approved devices and procedures, criteria for approved devices, and requests for approval of devices should be directed to the Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(f) *Moisture.* Water content in oats as determined by an approved device following procedures prescribed in the Grain Inspection Handbook[2]. For the purpose of this paragraph "approved device" shall include the Motomco Moisture Meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(g) *Other grains.* Barley, corn, cultivated buckwheat, einkorn, emmer, flaxseed, guar, hull-less barley, nongrain sorghum, Polish wheat, popcorn, poulard wheat, rice, rye, safflower, sorghum, soybeans, spelt, sunflower, sweet corn, triticale, and wheat.

(h) *Sieves.*—(1) *5/64 triangular-hole sieve.* A metal sieve 0.032 inch thick with equilateral triangular perforations the inscribed circles of which are 0.0781 (5/64) inch in diameter.

(2) *0.064 x 3/8 oblong-hole sieve.* A metal sieve 0.032 inch thick with oblong perforations 0.064 inch by 0.375 (3/8) inch.

(i) *Sound oats.* Kernels and pieces of kernels of oats (except wild oats) which are not badly ground-damaged, badly weather-damaged, diseased, frost-damaged, heat-damaged, insect-bored, mold-damaged, sprout-damaged, or otherwise materially damaged.

(j) *Stones.* Concreted earthy or mineral matter and other substances of similar hardness that do not readily disintegrate in water.

(k) *Test weight per bushel.* The weight per Winchester bushel (2,150.42 cubic inch capacity) as determined on a test portion of the original sample by an approved device following instructions in the Grain Inspection Handbook.[2] For the purpose of this paragraph "approved device" shall include the Fairbanks-Morse or Ohaus Test Weight Per Bushel Apparatus and any other equipment that is approved by the Administrator as giving equivalent results.[3] Test weight per bushel, for grade determination, shall be stated in terms of whole and half pounds; a fraction of a pound when equal to or greater than one-half shall be stated as one-half and when less than one-half shall be disregarded; e.g., 41.0 through 41.4 shall be 41.0 and 41.5 through 41.9 shall be 41.5.

(l) *Wild oats.* Seeds of *Avena fatua* and *A. sterilis.*

Principles Governing the Application of Standards

§ 810.253 Basis of Determination.

(a) *Distinctly low quality.* The determination of distinctly low quality shall be made on the basis of the lot as a whole at the time of sampling when a condition exists that may not appear in the representative sample and/or the sample as a whole.

(b) *All other determinations.* All other determinations shall be upon the basis of the sample as a whole.

§ 810.254 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the oats standards are applicable to oats produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvest of oats may require temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, proper notification will be made in a timely manner. Adjustments in interpretations (i.e., identity, quality, and condition) are excluded and shall not be made.

§ 810.255 Percentages.

(a) Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(1) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., state 0.46 as 0.5.

(2) When the figure to be rounded is followed by a figure less than 5, retain the figure; e.g., state 0.54 as 0.5.

(3) When the figure to be rounded is even and is followed by the figure 5, retain the even figure. When the figure to be rounded is odd and is followed by the figure 5, round the figure to the next higher number; e.g., state 0.45 as 0.4; state 0.55 as 0.6.

(b) Percentages, except when determining the quantity of ergot and the identify of oats, shall be stated in whole and tenth percent to the nearest tenth percent, unless otherwise prescribed in the Grain Inspection Handbook.[2] The percentage of ergot shall be stated to the nearest hundredth percent. The percentage of oats, wild oats, and other grains in determining the identity of oats shall be stated to the nearest whole percent.

Grades, Grade Requirements, and Grade Designations

§ 810.256 Grades and grade requirements for oats.

(See also § 810.258).

Grade	Minimum limits— Test weight per bushel (pounds)	Minimum limits— Sound oats (percent)	Maximum limits— Heat-damaged kernels (percent)	Maximum limits— Foreign material (percent)	Maximum limits— Wild oats (percent)
U.S. No. 1	36.0	97.0	0.1	2.0	2.0
U.S. No. 2	33.0	94.0	0.3	3.0	3.0
U.S. No. 3[1]	30.0	90.0	1.0	4.0	5.0
U.S. No. 4[2]	27.0	80.0	3.0	5.0	10.0

U.S. Sample grade:

U.S. Sample grade shall be oats which—

(a) Do not meet the requirements for the grades U.S. Nos. 1, 2, 3, or 4; or

(b) Contain 8 or more stones which have an aggregate weight in excess of 0.2 percent of the sample weight, 2 or more pieces of broken glass, 3 or more crotalaria seeds (*Crotalaria spp.*), 2 or more castor beans (*Ricinus communis*), 4 or more pieces of an unknown foreign substance(s) or a commonly recognized harmful or toxic foreign substance(s), 8 or more cocklebur or similar seeds singly or in combination, or 10 or more pieces of rodent pellets, bird droppings, or an equivalent quantity of other animal filth in 1⅛ to 1¼ quarts cut from the representative sample; or

(c) Have a musty, sour, or commercially objectionable foreign odor (except smut or garlic odor), or

(d) Are heating or otherwise of distinctly low quality.

[1] Oats that are slightly weathered shall be graded not higher than U.S. No. 3.

[2] Oats that are badly stained or materially weathered shall be graded not higher than U.S. No. 4.

§ 810.257 Grade designations.

* * * * *

(b) *Optional grade designations.* Oats may be certificated (under certain conditions,[4] when supported by official analysis, as "U.S. No. 2 or better Oats," "U.S. No. 3 or better Oats," etc. The special grade designations, when applicable, also shall be included (under certain conditions [4]), in the certification.

Special Grades, Special Grade Requirements and Special Grade Designations

§ 810.258 Special grades and special grade requirements.

* * * * *

(h) *Thin oats.* Oats which contain more than 20.0 percent of oats and other matter, except "fine seeds," which may be removed from a test portion of the original sample by approved devices following procedures prescribed in the Grain Inspection Handbook.[2] For the purpose of this paragraph "approved devices" shall be the 0.064 x 3/8 oblong-hole sieve and the 5/64 traingular-hole sieve.[3]

(i) *Weevily oats.* Oats which are infested with live weevils or other insects injurious to stored grain as set forth in the Grain Inspection Handbook.[2]

* * * * *

Authority: Secs. 5, 18, Pub. L. 94–582, 90 Stat. 2669, 2884 (7 U.S.C. 76, 87(e)).

[4] The conditions are listed in the Grain Inspection Handbook. Copies may be obtained from the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington D.C. 20250.

Dated: July 24, 1984.

K.A. Gilles,

Administrator.

[FR Doc. 84-20698 Filed 8-7-84; 8:45 am]

BILLING CODE 3410-EN-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 55

Training and Qualifications of Civilian Nuclear Power Plant Personnel and Operators' Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to conform their literal language to the long-standing agency practice of treating the satisfactory completion of an NRC-approved program for training reactor operators as the equivalent of actual operating experience at a reactor.

DATE: Comment period expires 30 days from the publication of this notice in the **Federal Register.** Comments received after that date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before September 7, 1984.

ADDRESSES: Send comments to Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. ATTN: Docketing and Service Branch. Hand deliver comments to: Room 1121, 1717 H Street, NW., Washington, D.C. between 8:15 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: D. Beckham, Chief, Operator Licensing Branch, Office of Nuclear Reactor Regulation, telephone (301) 492-4868, or N. Jensen, Office of General Counsel, telephone (202) 634-3224, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

SUPPLEMENTARY INFORMATION: Section 107 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2137), requires the Nuclear Regulatory Commission to prescribe uniform conditions for licensing individuals as operators of production and utilization facilities and to determine the qualifications of these individuals and to issue licenses to such individuals. The regulations implementing these requirements are set out in Part 55 of Chapter 1, Title 10 of the Code of Federal Regulations. To assist licensees and others, the Commission has also issued regulatory guides and generic letters which provide guidance on acceptable methods of meeting these regulatory requirements.

The Commission has become increasingly aware of the need to update its operator licensing regulations and related regulatory guides to clarify the important role which simulators play in the training and testing of reactor operators. The Commission's effort to update the regulations received additional impetus in 1983 from the enactment by Congress of the Nuclear Waste Policy Act of 1982, Pub. L. 97-425. Section 306 of that statute (42 U.S.C. 10226, 96 Stat. 2201 at 2262-2263), directed the Commission, *inter alia*, "to promulgate regulations, or other appropriate Commission regulatory guidance, for the training and qualifications of civilian power plant operators, supervisors, technicians and other appropriate operating personnel [which shall] establish simulator training requirements for applicants for civilian nuclear power plant operator licenses . . .; [and] requirements for operating tests at civilian nuclear power plant simulators, [etc.]."

Section 55.25 of the Commission's regulations, issued in 1963 (28 FR 3197), provides that the Commission may administer a simulated operating test to an applicant for a license to operate a reactor, prior to initial criticality, if certain conditions are met, including the requirement that the applicant "has had extensive actual operating experience at a comparable reactor" (10 CFR 55.25(b)). Beginning in 1967, the Atomic Energy Commission and Nuclear Regulatory Commission staffs have taken the position that training on a reactor simulator can constitute "actual operating experience" for purposes of satisfying that requirement. This has long been a matter of public record, memorialized in Regulatory Guides and ANSI standards. (See, for example, NUREG-0094, "NRC Operator Licensing Guide, A Guide for the Licensing of Facility Operators, Including Senior Operators," published July, 1976, at p. 13.)[1]

During that long period, the language of the regulation in question has never been updated to reflect the increasing use of simulator training. This was an omission, in part attributable to the absence of any controversy over the desirability of simulator training for reactor operators as a means of assuring the safety of reactor operations.

[1] NUREG-series documents and Regulatory Guides are available for viewing, or copying for a fee, at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C.

It has recently been brought to the Commission's attention that the apparent inconsistency between the plain language of 10 CFR 55.25(b) and the agency's long-standing application of that regulation has created the potential for uncertainty about licenses issued in accordance with that agency practice. The Commission believes that clarity would be served by a rule change. The proposed rule would state explicitly that in accordance with long-standing agency practice, completion of an NRC-approved "cold license" (i.e., a license issued prior to initial criticality of the facility) training program utilizing simulator training satisfies the applicable requirements of 10 CFR 55.25(b). Conforming changes in 10 CFR 55.11(b) and 55.23 would make clear that simulated operating tests, as well as actual operating tests, satisfy the regulatory requirements in question.

It should be noted that before the NRC staff approves any cold license training program, it prepares a detailed Safety Evaluation Report, reviewing the individual program to assure the adequacy not only of its simulator training component, but also of those parts of the program which involve operation of a research reactor by applicants with no previous nuclear experience, and their participatory observation of the day-to-day operation of a nuclear power plant.

In conforming the letter of the Commission's regulations to well-established and well-publicized practice going back some 17 years, the Commission is in no sense altering the standards it applies in evaluating applicants for operator licenses. Accordingly, the proposed rule change would effect no diminution in the protection of public health and safety. Moreover, the long-standing practice of relying on simulator training is amply supported by available literature on the use of simulators in military and civilian applications.[2] From all these

[2] See, for example: J. Orlansky and J. String: *Cost Effectiveness of Flight Simulation for Military Training.* Institute for Defense Analysis. Report P1275 (1977), Alexandria, VA; 14 CFR 121 and 14 CFR 61 (FAA Regulations); W. Bickley: *Formulation and Evaluation of a Method for Predicting Hands-On Training Following Simulator Training,* 7th DOD Symposium on Psychology in the Military (1980), U.S. Air Force Academy, CO; E. Hinchley, *et al., The Candu Man-Machine Interface and Simulator Training.* Report IAEA-CN-42/146 (1982), Chalk River, Ontario; *Simulators for Mariner Training and Licensing.* Technical Report CG-D-7-83 (1982), United States Coast Guard, Washington, DC; and FR Vol. 48, No. 153, pp. 35920-35964, Proposed Rules Department of Transportation—Coast Guard 46 CFR Parts 10, 35, 157, 175, 185, 186 and 187.

standpoints, the Commission believes that its proposed rule is fully consistent with the Commission's obligation, under the Atomic Energy Act of 1954, to assure adequate protection of public health and safety.

The Commission wishes to stress that the proposed rule changes are limited in their scope, being confined to conforming the letter of the regulations to the practice of utilizing NRC-approved training programs in lieu of actual operating experience at nuclear reactors, and of conducting operator examinations on simulators. The proposed rule changes do not constitute the across-the-board reexamination which section 306 of the Nuclear Waste Policy Act of 1982 mandated in the area of operator training and the use of simulators. That effort is presently underway as a matter of high priority, and is expected to be completed in the near future.

In light of the foregoing, the Commission has directed that operator licenses already issued in reliance on the staff practice described above shall remain valid. The Commission has further directed that the staff shall, during the pendency of this rulemaking, grant exemptions from the requirements of 10 CFR 55.25(b) to those individual applicants for operator licenses who have completed an NRC-approved cold license training program but have not yet received licenses. Applicants need not file requests for such exemptions.

To be approved by the NRC, a cold license training program must include training in nuclear fundamentals, including ten startups of a nuclear reactor; training as a participatory observer on shift at an operating reactor comparable to that at which the applicant will be employed; simulator training; and training on the actual system design of the plant at which the operator will be employed. Where an applicant has completed a cold license training program which did not include all elements required for an NRC-approved cold licenses program, an exemption must be requested specifically. Such requests will be evaluated on a case-by-case basis.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed regulation is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

Paperwork Reduction Act Statement

This proposed rule contains no information collection requirements and therefore is not subject to the requirement of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

List of Subjects in 10 CFR Part 55

Manpower training programs, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements.

For the reasons set forth above, and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization of 1974, as amended, the Nuclear Waste Policy Act of 1982, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR Part 55.

PART 55—OPERATORS' LICENSES

1. The authority citation for Part 55 is revised to read as follows:

* * * * *

Authority: Secs. 107, 161, 182 (Sec. 55.31(b), 234, 68 Stat. 939, 948, as amended, 83 Stat. 444, as amended (42 U.S.C. 2137, 2201, 2282); secs. 201, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Section 55.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Sections 55.59, 55.81 and 55.83 also issued under sec. 306, Pub. L. 97-425, 96 Stat. 2262 (42 U.S.C. 10226).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), 55.3, 55.21, 55.49, 55.53 and 55.71(d) are issued under sec. 1611, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and 55.23, 55.25 and 55.53(f) are issued under sec. 161o, 88 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 55.11, paragraph (b) is revised to read as follows:

§ 55.11 Requirements for the approval of application.

* * * * *

(b) The applicant has passed a written examination and operating test or simulated operating test as may be prescribed by the Commission to determine that the applicant has learned to operate and, in the case of a senior operator, to operate and to direct the licensed activities of licensed operators in a competent and safe manner.

* * * * *

3. In § 55.23, the introductory text is revised to read as follows:

§ 55.23 Scope of operator and senior operator operating tests.

The operating tests or simulated operating tests administered to applicants for operator and senior operator licenses are generally similar in scope. The test, to the extent applicable to the facility, requires the applicant to demonstrate an understanding of:

* * * * *

4. In § 55.25, paragraph (b) is revised to read as follows:

§ 55.25 Administration of operating test prior to initial criticality.

* * * * *

(b) The applicant has had extensive actual operating experience at a comparable reactor or has satisfactorily completed an NRC-approved license training program which includes simulator training.

Separate Views of Former Commissioner Gilinsky on Proposed Amendments to 10 CFR Part 55

The Commission is being more than a little disingenuous in implying that its principal concern is "to update its operator licensing regulations and related regulatory guides to clarify the increasingly important role which simulators play in the training and testing of reactor operators." Moreover, it is preposterous for the Commission to claim that the Congress and the public have long been aware that the staff's licensing practice—in ignoring experience requirements for operators of new plants—is at odds with the regulations.[3] [4] The fact of the matter is that the Commission itself did not know this until a few weeks ago. Even the senior staff was unaware of it.

Unfortunately, in its scramble to patch up its operator licensing system, the Commission is throwing the baby out

[3] The regulations provide that the "Commission may administer a simulated operating test to an applicant for a license to operate a reactor prior to its initial criticality if . . ." among other things, the ". . . applicant has had extensive actual operating experience at a comparable reactor." 10 CFR 55.25(b).

[4] This comment pertains to a version of this rule change which was revised after Commissioner Gilinsky left the Commission.

with the bath water. The healthy effect of the existing rule is to require that the operating crew that brings a new reactor into operation have a certain amount of actual operating experience. This is especially important for the shift supervisors. Once the plant has been successfully operated, and procedures verified, the rule's experience requirement no longer applies, and additional new operators can be qualified on simulators. Had that regulation been observed, the Commission would not now be in the awkward position of having to decide on the licensing of plants—such as Diablo Canyon, Grand Gulf, and Shoreham—none of whose operators have any actual experience operating comparable reactors at full power. I do not believe any other country with a major nuclear program would have allowed this situation to arise.

Faced with possible delays in reactor startups if it complied with the regulation, the Commission is rationalizing its disregard for the operator experience requirement on the grounds that simulator training (as little as 80 hours) is so effective that it is no longer essential for a new crew to have actual operating experience. This is simply wrong. While they are an extremely valuable training device, simulators do not provide the equivalent of acutal operating experience. And while simulators have become more sophisticated over the years, so have plants; they are now more complex and more demanding. (In the case of the above-named plants the operators were not even trained and qualified on a simulator built to model the plant they would operate.) Moreover, reactor simulators can simulate only a fraction of the nuclear plant operations that need to be performed. Even normal startups and shutdowns can only be partially simulated. It is worth pointing out that aircraft simulators are far more faithful than reactor simulators but that many hours of actual flight time are still needed to qualify for a pilot's license. No one would dream of allowing an aircraft to take off with a new crew that had only had simulator training.

It needs to be understood also that power plant simulators are designed primarily to provide training for the reactor operator whose job is to manipulate controls. The shift supervisor, by contrast, is responsible for managing the entire plant, not just the control room. Managing an entire plant's startup, operation, and shutdown cannot be learned by practicing only on a simulator. Unlike the reactor operator, the shift supervisor also has the authority to change accident recovery procedures or to disable safety equipment if he judges this necessary. The experience needed to make these important judgements is not developed on a simulator. Nor do simulators provide experience on perfoming critical safety reviews of maintenance and testing to assure that operating limits are adhered to and transients are avoided. Improper maintenance and testing are the most frequent cause of plant accidents. Thus, in waving the experience requirement for the entire operating crew the Commission has overlooked the special importance of experience for shift supervisors.

Contrary to what the Commission claims, the sense of the rule has largely been complied with until the last few years—in that, as long as a fair number of operators at a plant had actual operating experience, the purpose of the rule was satisfied. It is only recently that the Commission has allowed completely green crews to start up plants without requiring adequate compensatory measure, in violation not only of the literal wording of the regulation but also of good safety practices.

Instead of expunging the requirement for experience from its rules in an overeager attempt to accommodate the small number of power reactors scheduled for licensing in the near future, the Commission should have taken an approach that would have ensured that future reactors start up with an adequate number of experienced operators. For power reactors which are about to go into operation, the sensible and responsible course is not to grant a blanket exemption for the regulation's requirement for experience for the entire operating crew, but to ensure that there is at least one supervisor on each shift who has had actual operating experience.

In sum, the existing rule should not be changed without ensuring that adequate provision is made for operator experience on every shift.

Dated at Washington, D.C. this 3rd day of August 1984.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 84-21059 Filed 8-7-84; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-NM-65-AD]

Airworthiness Directives; Airbus Industrie Model A300 B2 and B4 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD) that would require repetitive functional tests of the ram air turbine on Airbus Industrie Model A300 B2 and B4 series airplanes. Several incidents have been reported where the turbine failed to operate. The functional checks and ground tests are necessary to detect inoperative ram air turbines and ensure their availability in an emergency. The ram air turbine is the backup source of hydraulic power when the engine-driven pumps have failed.

DATE: Comments must be received no later than September 28, 1984.

ADDRESSES: The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington; telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available,

both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 84–NM–65–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

The French Civil Aviation Authority (DGAC) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of malfunctioning ram air turbines on Airbus Industrie Model A300 airplanes. An incident has been reported where a ram air turbine failed to operate during a test flight. Corrosion was found in the turbine. Water had entered at the joint between the spinner and the hub assembly. Dowty Rotol Service Bulletin 29–101 prescribes repetitive operational checks of the turbines until modification RM 401, described in Dowty Rotol Service Bulletin 29–104, is incorporated. Two other incidents occurred where ram air turbines failed to operate during tests due to high torque resistance which has been attributed to excessive seal friction. Dowty Rotol Service Bulletin 29–72 prescribes periodic ground tests until modification RM 370, described in Dowty Rotol Service Bulletin 29–76, is incorporated. The ram air turbine is the backup source of hydraulic power when the engine-driven pumps have failed.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require periodic operational checks and ground tests of the ram air turbines.

It is estimated that 28 U.S. registered airplanes would be affected by this AD, that it would take approximately 8 manhours per airplane per year to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact per year of this AD to U.S. operators would be $8,960. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Airbus Industrie: Applies to Model A300 B2 and B4 series airplanes, certificated in all categories. To detect failure of the ram air turbine, accomplish the following, unless previously accomplished:

A. Prior to the later of the following:

1. 3,400 hours total time in service,

2. 24 months since installed, either new or overhauled, or

3. 120 days after the effective date of this AD;

perform a functional test of the ram air turbine in accordance with the accomplishment instructions of Dowty Rotol Service Bulletins 29–101 dated January 4, 1979, and 29–72 dated April 12, 1976. Repeat the functional test at intervals not to exceed 600 hours time in service or 6 months, whichever occurs first.

B. If, as a result of the functional test of paragraph A., above, it is found that the ram air turbine does not meet the specifications, the affected units must be replaced with serviceable units before further flight.

C. Termination of the requirements of this AD is accomplished by the incorporation of the following two Dowty Rotol modifications: RM 401, described in Service Bulletin 29–104 dated January 24, 1979, and RM 370, described in Service Bulletin 29–76 dated November 18, 1976.

D. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant role pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Airbus Industrie Model A300 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington, on July 30, 1984.

Thomas J. Howard,

Acting Director, Northwest Mountain Region.

[FR Doc. 84–20933 Filed 8–7–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 84–NM–59–AD]

Airworthiness Directives; Lockheed-California Company Model L–1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD) that would require the modification of the bleed air duct overheat sensor system and structure in the Mid-Electrical Service Center (MESC) area in Lockheed Model L–1011 series airplanes. This action is prompted by reports of clamp and duct failures in the vicinity of the MESC area during flight. This condition could result in total loss of electrical power and as a consequence, would result in the loss of communications, flight instruments, control systems, and environmental systems.

DATES: Comments must be received on or before September 28, 1984.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1. This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the FAA, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Mr. Edward S. Chalpin, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548–2831.

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified under the caption "**Availability of NPRM.**" All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 84–NM–59–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

Reports have been received of clamp and duct failures downstream of the flow control valves within the MESC area. The same type of duct and clamp components are used in the system upstream of the flow control valves.

In May 1983, one air carrier reported an in-flight clamp failure which triggered an erroneous warning signal in the cockpit and a failure of the cabin's environmental system. A clamp has failed at a lightening hole on its circumference. The leakage of hot bleed air was not high enough to trip the automatic high flow detection system; however, it did trigger the overheat detection system. Because of the location of the leak and the existing sensor routing, an incorrect system was identified as having failed. The crew isolated the indicated system, but the flow of hot air into the underfloor continued resulting in multiple overheat indications. The failed system was never isolated. This created a severe temperature environment in the MESC which continued for the 40 minute duration of the flight until all systems were shut down at landing. Though there were no immediate component or equipment failures within the MESC, the airline found that subsequent failures of components within the MESC were premature based upon the mean-time-between-failure (MTBF) rate. It is probable that the components had been damaged by the hot bleed air.

In August 1983, another air carrier reported that it had experienced a duct failure downstream of the flow control valves aft of the MESC area. A lightweight clamp on a bleed air duct abraded through the duct's thin wall. The duct literally peeled open and released approximately 2.5 lb/sec of 300°–400° F. bleed air into the aircraft subfloor. A warning signal alerted the pilot to shut down the flow control valve. No heat damage within the MESC was evident. The manufacturer has prepared an inspection bulletin to check all ducts and clamps in the aircraft downstream of the MESC area.

Had these duct or clamp failures occurred in the MESC area itself, unrecoverable loss of all AC/DC power including the emergency bus could have resulted.

The existing protection system consists of a combination of "area overheat" temperature sensors external to the ducting and high flow sensors in each of the air cycle machine supply ducts. The "area overheat" temperature sensors provide an annunciation of the affected system to the flight crew. Crew action must be taken to isolate the system. The high flow sensors provide for the automatic isolation of the affected system in the event of a duct or clamp failure between the crossbleed manifold and the flow control valve. Leakage in excess of 4.5 lb/sec is necessary to trigger automatic system shutdown. However, lesser leaks upstream of the flow control valves in the MESC underfloor area cannot be detected. Since the same duct and clamp components are used in the MESC area, the MESC is especially vulnerable to a possible failure of the bleed air system as well. A clamp or duct failure which goes uncorrected for any significant time can cause overheating of avionic and electrical equipment located in the MESC and can lead to the failure of one or more critical components and could lead to total loss of electrical power.

Since this condition may exist or develop on other airplanes of this type design, the FAA is proposing an AD which would require thermal detector loops near clamp and duct junctions in the MESC area and the extension of the intercostals in order to isolate the thermal loops from cross flow in the event of a leak. Flow control valves would be reworked to offset possible seal leakage.

Cost Estimate

It is estimated that 91 U.S. registered airplanes would be affected by this AD, that it would take a total of 33.5 manhours per airplane to accomplish the required actions, and that the average labor costs would be $40 per manhour. The costs of modification parts are estimated to be $7330 per aircraft.

Based on these figures, the total cost impact of this AD on the U.S. fleet is estimated to be $788,971. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive (AD):

Lockheed-California Company: Applies to Lockheed Model L–1011 series airplanes, series numbers 1002 to and including –1221 (unless Lockheed Service Bulletin 093–21–184 dated November 21, 1983, or later FAA approved revisions has been accomplished), certificated in all categories.

Compliance required within the next 3600 flight hours after the effective date of this AD, unless previously accomplished. To minimize the potential for unrecoverable loss of all AC/DC electrical power including the emergency bus accomplish the following:

A. Extend and reroute Fenwall Thermal Overheat Sensors below Mid-Electric Service Center (MESC) floor and remove excess flow sensors and modify the structure below the MESC floor as outlined in the Accomplishment Instructions of Lockheed Service Bulletin 093–21–214, dated December 9, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Extend barrier in the MESC area in accordance with Lockheed Service Bulletin 093–21–222, dated January 9, 1984, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to

operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1. These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 through 1430, and 1502]; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model L–1011 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington on July 30, 1984.

Thomas J. Howard,

Acting Director, Northwest Mountain Region.

[FR Doc. 84–20934 Filed 8–7–84; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

[Docket No. RM84–7–000 (Related Dockets: Docket Nos. CI83–269–000, RP83–11–000 et al., CP83–428–001, CP83–502–000, CP83–452–000, CP83–333–000, CI84–332–000, CP84–244–000, CI84–374–000)]

Impact of Special Marketing Programs on Natural Gas Companies and Consumers; Informal Conference and Request for Comments

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Informal Conference and Request for Comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is convening an informal conference and providing an opportunity for written comments. The purpose of the conference and the written comments is to provide the Commission with information of a general nature directly from the participants concerning how the special marketing programs (SMPs) have been operating. SMPs are various innovative natural gas marketing plans intended to relieve the pressures of oversupply being exerted on the applicants. While interested members of the public are invited to attend the conference, only parties to the individual SMP dockets listed in the heading are invited to present written and oral comments.

DATES: The informal conference will be held on Wednesday, August 29, 1984, beginning at 9:00 a.m. Requests to participate are due by 5:00 p.m., Wednesday, August 22, 1984. Written comments are due by Friday, August 24, 1984. A schedule of presentations will be available on Monday, August 27, 1984.

ADDRESSES: The conference will begin at 9:00 a.m. in the Commission's Hearing Room A at 825 North Capitol Street, NE., Washington, D.C. Written comments and requests to participate must be filed with the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Office of the Secretary, (202)357–8400.

SUPPLEMENTARY INFORMATION: On January 16, 1984, the Commission issued a Notice of Inquiry in Docket No. RM84–7–000 [1] regarding special marketing programs (SMPs). In conjunction with the Notice of Inquiry, the Commission also issued three orders on rehearing that modified several existing SMPs.[2] The Commission also has authorized a number of other SMPs.[3]

Briefly stated, these programs were intended generally: (1) To facilitate the recapture of lost natural gas markets and the development of new gas markets; (2) to prevent the loss of existing gas markets and reserves; (3) to promote competitive prices for gas while controlling the detrimental impact that this competition may have on established markets in light of the existing regulatory environment; and (4) to relieve the take-or-pay burden on pipelines. The programs were approved on a limited-term, experimental basis to permit increased competition in the marketplace while at the same time providing information on the benefits and costs of such competition. The presently authorized SMPs are scheduled to expire on October 31, 1984. Meanwhile, a number of other SMP applications are pending before the Commission.[4]

As part of its continuing review of the special marketing programs, the Commission is convening an informal conference and providing an opportunity for written comments by anyone that is a party to any SMP case where the Commission has issued certificate authorization. The purpose of the conference is for the Commission to gather information of a general nature directly from the participants concerning how the SMPs have been operating since their initial approval, whether they have been serving the purposes for which they were designed, and whether any undesirable effects have occurred as predicted by those who oppose the SMPs. While the Commission seeks comments generally as to how the programs have been operating, participants are also invited to address the following questions.

(1) What is the extent to which customers have used the SMPs instead of other arrangements for acquiring gas?

(2) What alternative arrangements have the SMP certificate holders used to maintain their markets, and what are the advantages and disadvantages of the different alternatives?

(3) What have SMPs accomplished that other gas marketing programs have not?

(4) To what extent have the SMPs been effective in sending correct signals as to the market clearing price or prices for natural gas at the burner tip?

(5) To what extent have the SMPs achieved take-or-pay relief for the pipelines?

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[1] 40 FR 3193, January 26, 1984, F.E.R.C. Stats & Regs. ¶ 35,513 (1984).

[2] Tenneco Oil Company, Docket No. CI83–269–000, 26 FERC ¶ 61,030 (1984), modifying 25 FERC ¶ 61,234 (1983); Transcontinental Gas Pipe Line Corporation, Docket Nos. RP83–11–000 *et al.*, 26 FERC ¶ 61,029 (1984), modifying 25 FERC ¶ 61,219 (1983); Columbia Gas Transmission Company, Docket No. CP83–452–000, 26 FERC ¶ 61,031 (1984), modifying 25 FERC ¶ 61,220 (1983).

[3] Tennessee Gas Pipeline Company, Docket No. CP83–502–000, 25 FERC ¶ 61,398 (1983), modified on rehearing, 26 FERC ¶ 61,381 (1984), clarified, 26 FERC ¶ 61,398 (1984); PanMark Gas Company, Docket No. CP83–333–000, 26 FERC ¶ 61,341 (1984) clarified, 26 FERC ¶ 61,398 (1984), modified on rehearing, 26 FERC ¶ 63,054 (1984); Texas Eastern Transmission Corporation, Docket No. CP84–244–000, 27 FERC ¶ 61,491 (1984); Cities Service Oil and Gas Corporation, Docket No. CI84–332–000, 27 FERC ¶ 61,493 (1984); TXP Operating Company, Docket No. CI84–374–000, (order issued July 24, 1984), 28 FERC ¶ —— (1984).

[4] Amoco Production Company, Docket No. CI84–485–000; Sun Exploration and Production Company, Docket No. CI84–510–000; and El Paso Natural Gas Company, Docket No. CP84–539–000.

(6) Have the pipelines been able to reduce their weighted average cost of gas through operation of the SMPs? Have the pipelines' system customers received other benefits?

(7) What effect have the SMPs had on contract renegotiation? Have the SMP certificate holders been able to renegotiate any of the provisions of their gas purchase contracts?

(8) Have the SMPs resulted in additional gas production and sales? If so, what production areas have received these benefits?

(9) What are the net benefits of each SMP program to date?

(10) To what extent have SMPs resulted in new market loads being added to the gas transmission network?

(11) To what extent have SMPs displaced other gas supplies? In those cases where SMPs have displaced natural gas, what effect have the displaced volumes had on the other suppliers?

(12) Should the SMPs be extended beyond October 31, 1984? If so, for how long and under what conditions?

The Commission encourages the participants to provide specific data to support their views. In addition, the Commission requests each certificate holder to submit a summary of its program's performance and the information it has gathered since the SMP was been approved.

As indicated, a major purpose of approving the existing SMPs on an experimental basis was to gather information on their effectiveness. Nevertheless, most of these programs have been in actual operation for a relatively short period of time, and the level of activity within individual programs has varied. It is possible that the need to generate additional data may make appropriate some further extension of the experimental periods of the individual SMPs. In this connection, the Commission emphasizes that no decision has been made yet to extend or modify the programs.

While interested members of the public are invited to attend the informal conference, only parties to the individual SMP dockets [5] are invited to present written and oral comments. Because of the large number of parties and the procedural impracticability of permitting unlimited individual participation, it may be necessary to limit participation. Depending on the number of participants, the Commission may wish to divide the time by interest groups. If so, each member of a group may either use its pro rata share of time itself (which may only amount to a few minutes), or designate another member or members of the group as a spokesperson. Because the Commission hopes to limit the conference to one day, the time for presentation may be limited, and group participation is strongly encouraged.

The informal conference will be held on Wednesday, August 29, 1984. It will begin at 9:00 a.m. in the Commission's Hearing Room A at 825 North Capitol Street, N.E., Washington, D.C. 20426. In order to establish the conference schedule, parties that wish to participate must notify the Secretary of the Commission in writing by 5:00 p.m., Wednesday, August 22, 1984, of their intention to participate and whether they have designated a spokesperson. An original and fourteen copies of written comments on the issues described in this notice must be filed with the Secretary by Friday, August 24, 1984. A schedule of presentations will be available on Monday, August 27, 1984.

The informal conference will not be of a judicial or evidentiary nature, and there will be no cross-examination of persons presenting statements. The presentations will be made before a panel whose members will be designated by the Chairman of the Commission. Members participating on the panel before whom the presentations are made may ask questions. Parties that intend to make oral presentations should bring fifty copies of their presentation to the conference. Other procedural rules relating to the conference will be announced at the beginning of the proceeding.

A transcript of the conference will be made, and a copy of that transcript and copies of the written comments will be placed in the public file for Docket No. RM84-7-000 and in each of the related dockets noted in the heading. The transcript will be available for inspection through the Commission's Division of Public Information in Room 1000, 825 North Capitol Street, NE., Washington, D.C.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-21184 Filed 8-7-84; 8:45 am]

BILLING CODE 6717-01-M

[5] Those dockets are: Docket Nos. CI83-269-000, RP83-11-000 *et al.*, CP83-428-001, CP83-502-000, CP83-452-000, CP83-333-000, CI84-332-000, CP84-244-000, and CI84-374-000.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[AD-FRL-2642-1]

Regulatory Strategies For The Gasoline Marketing Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of a regulatory strategies analysis document for public comment.

SUMMARY: The gasoline marketing industry (bulk terminals, bulk plants, service station storage tanks, and service station vehicle refueling operations) emit to the atmosphere several organic compounds of concern. These include: volatile organic compounds (VOC's), which contribute to ozone formation; benzene, which has been listed as a hazardous air pollutant based on evidence of carcinogenicity in humans; and ethylene dichloride (EDC), ethylene dibromide (EDB), and gasoline vapors, for which there is evidence of carcinogenicity in animals. The EPA has recently completed an analysis of the health, emissions, cost, and economic impacts of several regulatory strategies for addressing organic compound emissions from gasoline marketing sources. The regulatory strategies considered are: (1) Service station controls for vehicle refueling emissions only in areas requiring additional VOC control to attain the national ambient ozone standard; (2) service station controls for vehicle refueling emissions on a nationwide basis; (3) onboard vehicle controls for vehicle refueling emissions of a nationwide basis; (4) bulk terminal, bulk plant, and service station storage tank and loading operations controls on a nationwide basis, and (5) various combinations of these strategies. A detailed summary of the analysis performed is presented in a regulatory strategies analysis document which is available today for public comment. The EPA is requesting public comments on the methodology and assumptions used in the analysis, and the findings from the analysis. The EPA will consider these comments in determining the need for, and nature of, a regulatory strategy for this industry.

DATES: Comments must be received on or before October 9, 1984.

ADDRESSES: Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE-131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: Docket Number A-84-07.

Documents: The regulatory strategies analysis document, providing a detailed description of the analysis, may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone (919) 541–2777. Please refer to "Evaluation of Air Pollution Regulatory Strategies for the Gasoline Marketing Industry," (EPA–450/3–84–012a). The executive summary contained in the above regulatory strategies analysis document, separately bound, is also available from the EPA Library. Please refer to "Evaluation of Air Pollution Regulatory Strategies for the Gasoline Marketing Industry—Executive Summary," (EPA–450/3–84–012b).

Docket: Docket number A–84–07 containing supporting information for this study is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:
Mr. James B. Weigold, (919) 541–5641, Office of Air Quality Planning and Standards (MD–11), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

Background/History

Industry Description and Emission Controls

The gasoline marketing industry consists of all storage and transfer facilities involved in the movement of gasoline from petroleum refineries to consumers. Gasoline is delivered to bulk terminal storage tanks from petroleum refineries by pipeline, ship, or barge. Gasoline from the storage tanks is loaded into tank trucks (or in limited cases, rail cars) and then delivered to other, smaller, intermediate storage facilities, known as bulk plants, or delivered directly to service stations. The gasoline delivered to bulk plants is again transferred into tank trucks and delivered to service stations and private accounts, such as farms. The trend in recent years has been toward reducing the amount of gasoline passed through the intermediate storage step at bulk plants. The term service station (or gasoline-dispensing facility) is used in this **Federal Register** notice to include not only the familiar neighborhood and off-the-highway gasoline service station, but also convenience stores, parking garages, and fleet services (rental car agencies, private companies, governmental agencies, etc.) with gasoline pumps.

Emissions ordinarily occur from the gasoline marketing industry any time gasoline is transferred from one container to another. Liquid gasoline, flowing into the receiving container, displaces vapors in the vapor space of that container to the atmosphere. Thus, emissions due to displacement occur: (1) At bulk terminals when gasoline is loaded from storage tanks into large tank trucks; (2) at bulk plants when the gasoline is unloaded from the large tank truck into storage tanks, and then again when it is loaded from the storage tanks into smaller tank trucks; and (3) at service stations when gasoline is unloaded from the tank truck into the underground storage tank, and then again when the gasoline is delivered from the pump into the motor vehicle gas tank. Emissions from transfer operations at bulk terminals and bulk plants, and from filling underground storage tanks at service stations, are commonly referred to as "Stage I" emissions. Emissions from refueling of motor vehicles at service stations are commonly referred to as "Stage II" emissions. Smaller quantities of emissions also occur from bulk terminals, bulk plants, and service stations, during gasoline storage.

The primary method for controlling emissions due to diplacement during loading and unloading operations is to transfer the vapors being displaced from the receiving container back to the dispending container during the loading/unloading operation. This is referred to as vapor balance. Thus, when gasoline is delivered to an underground service-station storage tank, the displaced vapors can be tranferred back through a hose to the delivery truck. When the delivery truck returns to the bulk plant, the vapors from the truck can be displaced to a storage tank. When the truck from the bulk terminal delivers gasoline to the bulk plant storage tank, the vapors from the storage tank can be transferred to the tank truck. When the tank truck returns to the bulk terminal for gasoline reloading, the displaced vapors can be transferred to a control device (e.g., incinerator, refrigeration unit, or carbon absorder) for recovery or disposal of the displaced vapors.

As part of their control plans for VOC emissions, certain States already require vapor balance control systems for approximately half of the Nation's existing bulk plants and service-station storage tanks. Controls for VOC reduce all organic compound emissions, including benzene, gasoline vapors, EDC, and EDB. Loading operations at about 70 percent of existing bulk terminals are controlled through State regulations for VOC, and at all new bulk terminals (construced after December 17, 1980) by a nationwide new source performance standard (NSPS) for VOC. There are also State regulations and an NSPS for storage tank emissions at new and existing bulk terminals.

Motor Vehicles refueling emissions at service stations (Stage II emissions) can be controlled by: (1) Equipment installed at the service station which transfers the displaced vapors from the motor vehicle gas tank back to the underground storage tank (termed "Stage II controls"), or (2) carbon canisters and a fill-pipe seal installed on the motor vehicle whereby the displaced vapors are adsorbed by the carbon as the gas tank is filled with gasoline (termed "onboard controls"). Stage II controls are currently being used in 26 counties in California and the District of Columbia, and are being considered for other ozone nonattainment areas. The onboard system has undergone only limited testing to date. It is unclear what design problems would be encountered if onboard were required for the entire vehicle fleet; however, the technology is an extension of a system already on cars and light-duty trucks. Since 1971, new cars and light-duty trucks have been equipped with similar, although smaller, carbon canisters for collecting evaporative emissions (breahting losses caused by temperature changes in the gas tank and carburetor). Both Stage II and onboard controls can be highly effective (as high as 95 and 98 percent, respectively). However, their high theoretical efficiencies are likely to be reduced during use (to as low as 56 percent for Stage II controls, depending on the level of enforcement, and to about 92 percent for onboard controls, given the expected level of tampering).

Preliminary data from EPA's mobile source emission factors program indicate that in-use evaporative emissions appear to significantly exceed the current motor vehicle evaporative hydrocarbon standard, primarily because in-use fuels, typically, have higher volatility than the test fuels, thus producing larger amounts of evaporative hydrocarbon emissions which cannot be adsorbed by the current carbon canisters. Thus, the expansion of the existing carbon conister system to control refueling emissions could reduce both refueling emissions and the evaporative emissions not already controlled by the present systems; these reductions can have an impact on regional ozone levels.

History of Stage II Regulations for VOC

Section 110(a)(1) of the Clean Air Act requires each State to submit a plan for the "implementation, maintenance, and enforcement" of the national primary and secondary ambient air quality standards. In order to correct deficiencies in certain plans pursuant to section 110(c) of the Act, the EPA promulgated Transportation Control Plans in the early 1970's designed to reduce ambient levels of certain automobile-related pollutants, including VOC. As part of the plans for 16 air quality control regions (AQCR's), regulations were promulgated that required 90 percent control for Stage I emissions at service stations, bulk terminals, and bulk plants. For 11 of these, or portions thereof (8 States), regulations were also promulgated requiring Stage II service station controls for the motor vehicle refueling process. These regulations also required 90 percent control, but specified no test procedure for determining compliance.

In order to provide test procedures, to provide less stringent requirements for smaller stations, and to outline maintenance and operation responsibilities, amendments to the Stage II regulations were proposed on October 9, 1975 (40 FR 47668). After reviewing the comments on this proposal and a newly-developed short test procedure, the Agency concluded that a basic change in the enforcement and implementation strategies previously proposed was appropriate. The Agency proposed regulations incorporating these new concepts on November 1, 1976 (41 FR 48044).

On May 31, 1977 (42 FR 27674), the EPA deferred until further notice the dates for compliance with Stage II requirements for 11 AQCR's since promulgation of the amended regulations was expected in the near future. However, several sections of the Clean Air Act amendments of August 1977 dealt with controlling refueling emissions from motor vehicles at service stations. Among those was a requirement [section 202 (a)(6)] that the EPA study onboard control technology as a possible alternative to Stage II service station controls.

The EPA began to review the feasibility and desirability of Stage II and onboard systems; this work continued through the early 1980's. In light of the serious financial problems facing the motor vehicle industry in 1981, the EPA reviewed its regulations to identify administrative changes which could reduce the burden on the industry without significantly affecting air quality. One of the decisions made at that time was not to require the use of onboard technology for control of VOC emissions resulting from the refueling of motor vehicles (April 3, 1981, 46 FR 21628).

Although an EPA regulation to control vehicle refueling emissions was indefinitely deferred, the State of California and the District of Columbia have Stage II regulations (which have been in effect since the 1970's) to control ozone. In February 1983, there were 27 States with ozone nonattainment areas with extensions to the statutory attainment date of 1982, including seven States that committed to consider Stage II regulations (in their 1982 ozone State implementation plans). Additionally, the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) passed resolutions in 1982 to request the EPA to review Stage II and publish a control techniques guideline (CTG) document for the States, effectively defining Stage II controls as reasonably available control technology.

Background on Hazardous Pollutants or Potentially Hazardous Pollutants In Gasoline

The EPA's risk analysis is limited to four atmospheric pollutants emitted from gasoline marketing which have been determined to be hazardous, or for which there are data suggesting they are potentially hazardous to humans. These are benzene, gasoline vapors, EDB, and EDC.

Benzene is a naturally occurring constituent of gasoline (as opposed to an additive). An analysis of 1977 gasoline pools by various refineries showed that the benzene content in the liquid gasoline varied from 0.15 to 4.26 percent by volume and averaged 1.3 percent by volume. A review of more limited data over the period since 1977 indicated that the benzene content variation was within the 1977 range, and the 1977 average was still representative. On June 8, 1977, benzene was listed as a hazardous air pollutant under section 112 of the Clean Air Act (42 FR 29332). The listing was based on evidence of increased leukemia incidence among occupationally exposed workers and the EPA's finding that "ambient exposures [to benzene] may constitute a cancer risk and should be reduced." Supplementary background information regarding the health effects, and listing of benzene as a hazardous air pollutant, may be obtained from the Maleic Anhydride Docket (Docket Number OAQPS–79–3, Part I).

EDC and EDB are added to leaded gasoline as scavengers to retard the build-up of lead on combustion surfaces. Both substances have been identified, on the basis of animal evidence, as potential human carcinogens. EDC has been shown to be carcinogenic in rats and mice (by oral administration) following lifetime bioassays conducted by the National Cancer Institute. Sites included the forestomach, circulatory system, skin, and mammary gland in rats; and the liver, lung, mammary gland, and uterus in mice. The EPA has recently released (March 28, 1984, FR 49 11878) for public comment a draft health assessment for EDC which reviews the carcinogenicity data, as well as other health effects literature.

EDB has been shown to be an animal carcinogen in laboratory studies. These studies were performed using rats and mice via exposure by three routes of administration—intubation (forced ingestion), inhalation, and skin painting. A review of several of these studies is contained in the EPA's Office of Pesticide Programs—EDB position documents 2/3 and 4, dated December 10, 1980, and September 27, 1983, respectively (48 FR 46234). On the basis of this evidence and other studies showing EDB to be mutagenic in numerous cell systems, and to cause adverse reproductive disorders in a variety of animals, the EPA has taken several actions to restrict or eliminate use of this chemical in pesticides.

Gasoline vapors consist of multiple organic compounds volatilized from gasoline. Evidence that gasoline vapors may be carcinogenic in animals has been submitted to the EPA by the American Petroleum Institute (API). The API studies, exposing rats and mice to completely volatilized unleaded gasoline vapor, indicated increases in tumor incidence in both species. There is also some suggestion of health effects among occupational populations in the petroleum distribution system. The extent to which particular constituents of gasoline vapor are responsible for the API findings is unknown although studies are underway to examine individual gasoline components. EPA has prepared a Staff Paper summarizing available information on the potential health effects of gasoline vapor. The Staff Paper ("Estimation of the Public Health Risk from Exposure to Gasoline Vapor via the Gasoline Marketing System", Draft, June 1984) is available in the docket for public review and copies can be obtained by writing to the EPA Librarian (MD–35), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. On June 22, 1984, the EPA sent the Staff Paper to the Environmental Health Committee of the

Science Advisory Board (SAB) to obtain scientific comment on the validity of the results and their relevance in assessing risk to humans due to exposure to gasoline vapors. The EPA Staff Paper was reviewed by the Committee on July 25, 1984.

A written report of the Committee's findings and recommendations has not been issued at this time, but comments on the Staff Paper were provided at the close of the meeting. Committee members agreed that the API study was well conducted. There was also general agreement that the test gasoline vapor should be appropriately considered a Category 2B carcinogen under the guidelines of the International Agency for Research on Cancer (IARC) providing sufficient evidence on carcinogenicity in animals. In the absence of adequate human data, the IARC guidelines recommend that substances in Category 2 be regarded as if they presented a carcinogenic risk to humans.

However, some of the Committee members expressed two major concerns regarding the quantitative estimation of the health risks associated with exposure to gasoline vapors by the public: (1) That the unit risk estimates chosen do not have a strong scientific basis and EPA should consider whether or not to calculate a unit risk estimate at this time; and (2) that the Staff Paper does not sufficiently reveal the extent of the uncertainties in the risk estimate. Thus, the gasoline vapor risk analysis in the regulatory strategies analysis document released today should be viewed, within the context of the Committee's comments, as a preliminary assessment since further evaluation of the gasoline vapor unit risk factor is warranted. Since the regulatory analysis entails more than the estimation of risk due to gasoline vapor, and the unit risk factor for specific components of gasoline (e.g., benzene) have been previously reviewed by the Science Advisory Board, EPA has chosen to make the analysis available to the public for comment and review.

Regulatory Strategies Considered

The EPA has examined several alternative regulatory strategies for controlling organic compound emissions from gasoline marketing. Basically, these regulatory strategies address the following questions:

1. Should the control of gasoline marketing be limited to areas which are not attaining the ozone ambient air quality standard? Although the focus of such regulations would be on controlling VOC emissions, as a precursor to ozone formation, exposure to benzene, EDB, EDC, and gasoline vapor emissions would also be controlled in those areas.

2. Should gasoline marketing emissions be controlled on a nationwide basis? A nationwide program would control benzene, EDB, EDC, gasoline vapor, and VOC emissions throughout all areas, in addition to controlling VOC in ozone nonattainment areas.

3. If a nationwide program is needed, should vehicle refueling emissions be controlled through Stage II systems installed on service stations under the authority of section 112 of the Clean Air Act (as a benzene source), or through onboard systems installed on motor vehicles under the authority of section 202(a)(6) of the Clean Air Act?

4. Is a nationwide program needed to control Stage I emissions from bulk terminals, bulk plants, and service station storage tanks in areas which do not already have these controls as a result of State regulations for VOC? The primary purpose of nationwide Stage I regulations would be to control benzene and other potentially hazardous pollutants. The regulations would be developed under the authority of section 112.

5. If a nationwide control program for vehicle refueling is needed and onboard control is selected as the control mechanism, should Stage II service station controls be installed in ozone nonattainment areas until onboard systems can be fully implemented (i.e., until existing vehicles are replaced with new vehicles)?

Five basic regulatory strategies were developed to address these questions: (1) Stage II controls in ozone nonattainment areas; (2) Stage I controls, nationwide; (3) Stage II controls, nationwide; (4) onboard controls, nationwide, and (5) onboard controls, nationwide, plus Stage II in ozone nonattainment areas. In addition to these five strategies, several other strategies were examined. These strategies include combinations of the five basic strategies (e.g., Stage I and Stage II nationwide controls), and size exemptions for service stations and bulk plants. For these regulatory strategies, the EPA calculated estimates of emissions reductions, health-risk impacts, control costs, enforcement costs, gasoline and vehicle price increases, and reductions in gasoline consumption and new vehicle sales.

Two indicators of health risks were calculated: (1) Annual cancer incidence and (2) lifetime risk from high exposure. "Annual cancer incidence" is the aggregate incidence for the total population exposed. "Lifetime risk from high exposure" represents the probability of contracting cancer for those individuals exposed for a lifetime to the highest average concentrations of the pollutants. (The term "lifetime risk from high-exposure" is conceptually similar to the term "maximum lifetime risk" which has been presented in other EPA documents including those on benzene sources regulated, or considered for regulation under section 112 of the Clean Air Act. The term "lifetime risk from high exposure" rather than "maximum lifetime risk," is used in presenting the risk calculations for the gasoline-marketing study because the EPA is less certain in this case that the assumptions used result in the maximum exposure to any single person or group.) For both annual cancer incidence and lifetime risk from high exposure, two types of exposure were considered: (1) Self-service, when customers fill their own gasoline tanks, and (2) community exposure around service stations, bulk terminals, and bulk plants.

This analysis did not examine the risk to workers from occupational exposure (e.g., bulk terminal and plant operators and service station attendants). The lifetime risk from high exposure for these workers is probably substantially higher than for the general public. In addition, the estimates of aggregate incidence would be higher if such worker populations were included in the analysis. Of course, any controls to reduce gasoline marketing emissions would reduce exposure for workers as well as the general public.

Because onboard controls, from a practical standpoint, can be installed only on new cars, it would take some time for this control system to be fully implemented. To ensure that the entire fleet has been converted to onboard systems, and that the control level for the onboard strategy has reached a steady state, impacts were calculated for all the strategies over a 35-year period, from 1986, when it was assumed Stage II control systems could begin to be installed in nonattainment areas, through 2020. For purposes of comparison, impacts were also calculated for a baseline condition representing no additional controls beyond those currently required by Federal, State, and local regulations.

Major Assumptions Used in the Regulatory Analysis

Due to the large number of facilities and the long time period encompassed by the analysis, several key assumptions had to be made. The following paragraphs briefly summarize the methodology and the major assumptions used in the analysis. The methodology and assumptions are

described in greater detail in the regulatory strategies analysis document being made available by today's Notice.

Timing of Control System Installation

For purposes of the analysis, initial installation of control equipment was estimated to occur in 1986 for the ozone nonattainment area alternatives; in 1987 for a benzene section 112 hazardous pollutant standard; and beginning with the 1988 model year vehicles for onboard standards developed under section 202(a)(6).

All affected stationary sources were assumed to install controls within 2 years after EPA publishes a CTG for State VOC regulations, and within 2 years after EPA promulgates a section 112 standard, except for independent small service stations, which are allowed up to 3 years to install controls at certain stations by section 325 of the Clean Air Act. The EPA has not determined whether section 325 pertains to section 112 regulations but this was assumed to be the case in the analysis. If the EPA, in the future, determines that section 325 does not apply, this would not be expected to significantly affect the results. It was assumed that, if onboard systems were selected as the regulatory strategy, it would take about 20 years for the entire fleet to be equipped with these systems. However, by 1998, the results of analysis show that 80 percent of total gasoline consumption would be by cars and light-duty trucks with onboard controls.

Refueling Emission Factor

The uncontrolled refueling emission factor used in this analysis is nine pounds of VOC per-thousand-gallons loaded. This emission factor is presented in the current EPA air pollution emission factor document (commonly called AP–42) and is based on studies conducted in the early 1970's. Since that time the volatility of gasoline has been increasing, which has a direct relationship to the emission rate. A factor of 10 pounds per-thousand-gallons has been estimated based on more recent emission testing by the California Air Resources Board (CARB). In addition, information recently submitted to the EPA by General Motors indicates that the CARB factor may be low for today's commercial gasolines. The EPA has used the lower emission factor in this analysis; to the extent the more recent data are correct, the emissions and risk estimates are underestimated.

Gasoline Consumption

Gasoline consumption was a key variable in calculating emission levels and health risks. Since EDB and EDC are found only in leaded gasoline, the fraction of total gasoline consumption that is leaded was also needed. Gasoline consumption projections are available from, among other sources, the EPA, the Department of Energy, and "The Oil and Gas Journal." The projections indicate a decrease in both total and leaded-gasoline consumption over the period covered by the analysis. However, the rate of decrease ranges from 7 to 16 percent for total gasoline consumption and is about 40 percent for leaded gasoline (1986 to 1990). After studying the various projections, the EPA selected for this analysis the projections used when the EPA lead phase-down schedules were published in October 1982 (47 FR 49329). The lead phase-down projections are equivalent to the average of the projections for decline in total gasoline consumption. The lead phase-down projections only extend to 1990. They were extrapolated (based on the trend line) to the year 2000 for the gasoline-marketing analysis, after which, because projecting past 15 years was judged to be unreasonable, consumption was assumed to remain constant to the year 2020. The resulting projection of total gasoline consumption in the year 2000 (60 billion gallons) was lower than the other projections examined. (The highest projection was 81 billion gallons.) More recent Agency work (*Costs and Benefits of Reducing Lead in Gasoline*, Draft Final Report, March 1984, EPA–230–03–84–005), not available in time for consideration in this analysis, indicates that the consumption projections used may be underestimated. Again, to the extent this is true, the emissions and risk estimates tend to be underestimated. A copy of the above report is available in the public docket for public review.

Number and Size Capacities of Plants

The number and size capacities (gasoline throughput) of facilities are important variables in determining costs. The large number of facilities (about 1,500 bulk terminals, 15,000 bulk plants, and 400,000 service stations) makes it infeasible to determine costs on a facility-by-facility basis. For size capacity, four model bulk terminals, four model bulk plants, and five model service stations were used. Typical costs were developed for these model plants. Total costs were calculated by multiplying the typical model plant costs by the number of facilities in each size model plant. Although the number of bulk plants and service stations have been decreasing, no quantitative data were readily available with which to project the future number of plants or their distribution by size capacity. Therefore, the numbers and size capacity distributions of facilities were assumed to remain constant at the values estimated for the base year of 1982. To the extent the number of facilities decreases (and the size capacity of the facilities increases), the EPA cost estimates provided in this notice are overestimates. In order not to overestimate gasoline recovery credits, however, the gasoline throughput per facility was assumed to decrease in proportion to the estimated nationwide gasoline consumption.

The emission calculations were based on gasoline throughput, and therefore, are not very sensitive to assumptions for size capacities and numbers of plants. In other words, emissions were based on actual national throughput rather than throughput capacity. Further, because risk calculations are based on a linear dose-response model, the same throughput would result in the same cancer incidence whether that throughput goes through one plant or is divided between two plants (provided, of course, that the population densities for the two situations are approximately the same).

Size Exemptions

For those alternatives where size exemptions were considered, it was assumed that bulk plants with throughputs less than 4,000 gallons per day would be exempt from vapor balance controls on outgoing loads, service stations with throughputs less than 10,000 gallons per month would be exempt from Stage I and II controls, and independent service stations with throughputs less than 50,000 gallons per month would be exempt from Stage II controls. These exemptions were assumed based on the relatively higher costs of control for small facilities, existing exemptions under State and local regulations, and statutory requirements for independent service stations under section 325 of the Clean Air Act. If a section 112 standard is proposed requiring Stage I or Stage II controls, the actual size cutoffs could vary from these assumptions based on a more thorough economic analysis for small businesses and a decision as to whether section 325 applies to section 112 standards.

Onboard Carbon Canister Costs

The average fleet cost per vehicle for an onboard system used in this analysis is $15. This would be the average cost to the purchaser of the new car or truck. The cost estimate assumes that there are no major technical problems with the onboard systems tested that would raise

the unit cost. This unit cost is in the neighborhood of estimates made by API. However, the automobile industry regards such estimates as too low. Ford Motor Company has submitted a report for inclusion in the docket which estimates its average fleet price increase (cars and light-duty trucks) to be $53.

Stage II Control Costs

The Stage II costs used in this study are based on past EPA studies and State experience with Stage II. They represent average costs for five sizes of service stations. For a given service station size, costs are not presented for different service station configurations, but represent an average of those configurations. Average costs were used to make calculations simpler and because the analysis examines only national costs. Further, costs for the different types of control systems (balance, assist, and hybrids) were weighted by the mix of units in use in California (80, 5, and 15 percent, respectively). The weighted average annualized costs per station for Stage II systems used in the EPA analysis are: $1,400; $1,300; $1,300; $1,400; and $520 per year, for a 5, 20, 35, 65, and 185 thousand gallons-per-month throughput service stations, respectively. The above annualized costs include capital, installation, operation, maintenance, taxes, insurance, and gasoline recovery credit costs, and were adjusted to 1982 dollars using standard cost and price indexes. The weighted average capital costs (equipment and installation costs) per station for Stage II systems used in the analysis are: $5,700; $6,100; $6,600; $9,800; and $14,800 for the different sizes of stations discussed above, respectively.

Unit Risk Factor

The unit risk factor represents the dose-response relationship for a pollutant; it is developed by the EPA's Carcinogen Assessment Group based on available health studies. The available health studies for benzene are studies of humans who were occupationally exposed to benzene. The available health studies for gasoline vapors, EDC, and EDB are animal studies. There is substantial uncertainty in unit risk factors. There are several reasons for this, including extrapolations which must be made from workers or animals to the general population and from the higher concentrations found in studies to the lower concentrations found in the ambient air.

Location and Distribution of Plants

In order to calculate community exposure to emissions (and the resultant risk) from bulk terminals and plants, assumptions were made concerning their geographical distribution. The fundamental assumption was that facilities were located in proportion to the gasoline throughput for an area—for example, the largest model plants would be located in large urban areas where throughput (and population density) were highest. Further, each model plant size in each source category (bulk terminals and bulk plants) was distributed over a range of 10 urban area sizes. The largest terminals, for instance, were assumed to be located in cities ranging in size from New York City to Des Moines, Iowa; the smallest terminals were assumed to be located in cities ranging in size from Spokane to Effingham, Illinois. Estimates were also made of the extent of existing control at these terminals. Most of the terminals in the large cities (likely to be ozone nonattainment areas) were considered controlled in accordance with existing regulations, with proportionately fewer facilities controlled in the smaller areas. In a similar fashion, model service stations were allocated to 35 localities (multi-county metropolitan areas or single counties), grouped by seven population size ranges. The model plants were selected to be representative of the total national service station distribution. The localities and seven population size ranges were selected to be representative of the total national population distribution.

Ambient concentrations, exposure, and incidence for bulk terminals, bulk plants, and service stations were calculated using the EPA Human Exposure Model (HEM). The HEM is a model capable of estimating ambient concentrations and population exposure due to emissions from sources located at any specific point in the contiguous United States. For a more detailed discussion of the methodology described above, see Chapter 6 of the regulatory strategies analysis document.

Self-Service Exposure

As with calculation of incidence due to community exposure, calculation of incidence due to self-service exposure involves estimates for the unit risk factor, the concentrations to which people are exposed, the length of time they are exposed to the concentrations, and the number of people exposed. The same unit risk factors were used for self-service exposure as for community exposure. The concentrations to which people are exposed were estimated based on a study conducted for API in which benzene and hydrocarbon concentrations in the region of the faces of persons filling tanks were measured. Concentrations for EDB and EDC were calculated using the ratio of the emissions of these pollutants to benzene emissions. The length of exposure during tank filling was calculated using a pumping rate of 8 gallons per minute, or 1.25 minutes per 10 gallons. It was assumed that 70 percent of the gasoline is purchased through self-service. For this 70 percent of the gasoline consumed, someone is exposed to the concentrations measured by API for 1.25 minutes for each 10 gallons purchased. Since the linear dose-response model is the basis for the unit risk factor, any exposure (no matter how small) is assumed to result in some probability of incidence. The sum of the probabilities of incidence for the entire population is the total incidence expected. For self-service, wherein some person is always pumping fuel, the total incidence is directly proportional to annual self-service gasoline throughput. Thus, knowing the throughput, pumping rate, and pollutant concentration, total annual incidence was calculated.

"Lifetime risk due to high exposure" was calculated using the same assumptions for exposure as were used for the incidence calculations. These include the assumptions for the concentration in the person's face during tank filling (based on API measurements) and the length of time for a tank filling (1.25 minutes per 10 gallons). However, gasoline consumption is not a relevant variable for this calculation. Rather it is important to know how much of their lifetime individuals experiencing high exposure may spend filling their tank. The EPA assumed that people with high exposure purchase 40 gallons of gasoline per week (i.e., 5 minutes per week) for 50 years of their life.

Control Systems Required

To determine emission reductions for control strategies for Stage II emissions, it was assumed that the EPA would require: for bulk terminals, 35 milligrams per liter from the outlets of new control equipment and retrofit of internal floating-roofs in existing gasoline fixed-roof storage tanks; for bulk plants, 95 percent control of incoming loads and 90 percent of outgoing loads; for tank trucks, compliance with the vapor-tightness test; and for storage tanks at service stations, 95 percent control. These are the control levels represented in the NSPS and CTG's for these sources. For Stage II service station controls, it was assumed the EPA would adopt a standard similar to California's and require 95 percent control. Based on

API testing, a control system efficiency of 98 percent is judged to be representative of potential for the onboard control system. Emissions reductions were calculated by applying these control requirements to the present level of control under the EPA, State, and local air pollution regulations (baseline emission levels).

For purposes of determining costs, emissions, and risk, it was assumed that the control systems required on stationary sources have to be replaced every 8 to 15 years. For alternatives where a combination of Stage II and onboard control systems were required, it was assumed that Stage II systems would not be replaced after one useful life cycle.

To calculate emissions reductions for strategies involving onboard controls, the number and fuel consumption of onboard-controlled vehicles in a given year were estimated based on projections of new vehicles, retirement rates, fuel economy, and mileage accrual rates for a 20-year period. Again, due to a judgment that extrapolation of these parameters for a period longer than 20 years would be unreasonable, they were assumed constant from 2006 through 2020.

Net Present Value Analysis

Because onboard controls would be phased in over a period of time, and all other controls could be installed in as little as 3 years, emissions, incidence, and capital and annualized costs were calculated in terms of net present value (NPV), as well as in terms of cumulative impacts, to provide a basis for comparison. In the case of costs, the NPV may be though of as the smallest sum of money one would need in a bank now, earning interest, to have enough money available to cover all upcoming control cost bills when they come due. Annual emission or incidence reductions for each regulatory strategy were summed for each year over the study period, using the NPV method of calculation, and then reannualized into equal annual values for comparison with other strategies.

Findings From Analysis

The findings described below are only a partial summary of the results of the analysis. Interested persons should read the regulatory strategies document for a more comprehensive discussion of the results.

Hazardous and Potentially Hazardous Pollutants

Table 1 presents the national incidence, emissions reductions and control costs of some of the major regulatory strategies analyzed. It is estimated that with no further control requirements (baseline level), average annual incidence caused by exposure to benzene and gasoline vapors are 3.5 and 24 or 40 cases per year, respectively. There are two numbers presented for gasoline vapor incidence since the EPA has not determined whether the effects on rats (higher number) or the effects on mice (lower number) are the most appropriate data to be used in this case to represent effects of human exposure. The Science Advisory Board is presently reviewing these health data and may guide the EPA in making this decision. In addition, the gasoline vapor incidence and risk numbers presented in this Notice were calculated using a plausible upper limit unit risk factor. The regulatory strategies document also presents the incidence based on the maximum likelihood estimate unit risk factor, which is 33 to 43 percent lower. The difference between these two types of estimates is discussed in the EPA staff paper cited earlier. Average annual incidence attributed to EDC and EDB is estimated to be much smaller than gasoline or benzene vapors (less than 0.1) because these additives are present in very small quantities of leaded gasoline, and leaded gasoline is being phased out of the market.

A regulatory strategy requiring a combination of Stage I, Stage II, and onboard controls, nationwide, is presented in Table 1 to indicate the maximum emission and risk reduction that can be achieved. It is clearly the most costly strategy; the net present value in 1986 of the total control cost would be $4.4 billion (in 1982 dollars). Net present value of costs is the sum of the present worth of each year's annual control cost (discounted at 10 percent). As can be observed from Table 1, the Stage II and onboard alternatives together would achieve no more emission reduction than the Stage I alternative above, but would achieve far greater incidence reduction than the Stage I alternative. This occurs because about 80 percent of the baseline incidence is a result of the self-service exposure, which is not affected by Stage I controls.

Because onboard controls would have to be phased in gradually, onboard, initially, would not achieve as much emission or incidence reduction as Stage II service-station controls. As shown in Figure 1, it would take until about the year 1996 for onboard to achieve as much incidence reduction as Stage II. In the long run, however, onboard would achieve more incidence reduction per year than Stage II. Onboard controls over the 35-year analysis period would result in about six fewer incidences from exposure to benzene than would Stage II. This is due, in part, to the assumption that there would be a size cutoff for smaller service stations in any Stage II regulation. The assumed size cutoffs, in effect, would leave approximately 30 percent of self-service refuelings uncontrolled. Once fully implemented, onboard would reduce all light-duty vehicle and truck refueling exposures. For perspective, if no service-station size cutoffs were assumed for Stage II, Stage II would achieve 30 percent more total incident reductions (24 cases) than onboard over the 35-year period considered.

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TABLE 1. NATIONAL IMPACTS OF HAZARDOUS POLLUTANTS FOR YEARS 1986 THROUGH 2020.

REGULATORY STRATEGIES	AVERAGE ANNUAL INCIDENCE, BENZENE (GASOLINE VAPORS)	AVERAGE ANNUAL EMISSION REDUCTION, 10^3 Mg[a] OF BENZENE (GASOLINE VAPORS)	NET PRESENT VALUE OF ANNUAL COSTS, 10^6 dollars
BASELINE[b]	3.5 (24 OR 40)	4.4 (710)[c]	--
STAGE I[d]	3.4 (23 OR 38)	1.3 (220)	0.9
STAGE II[d]	1.4 (11 OR 18)	1.1 (160)	1.6
ONBOARD	1.3 (10 OR 16)	1.3 (200)	1.9
STAGE I AND II[d] AND ONBOARD	0.8 (6 OR 10)	2.7 (450)	4.4

a Mg = MEGAGRAMS.
b NO ADDITIONAL REGULATORY ACTION
c EMISSIONS AT CURRENT CONTROL LEVELS.
d WITH FACILITY SIZE CUTOFFS.

Figure 1. Effect of onboard and Stage II controls on benzene incidence.

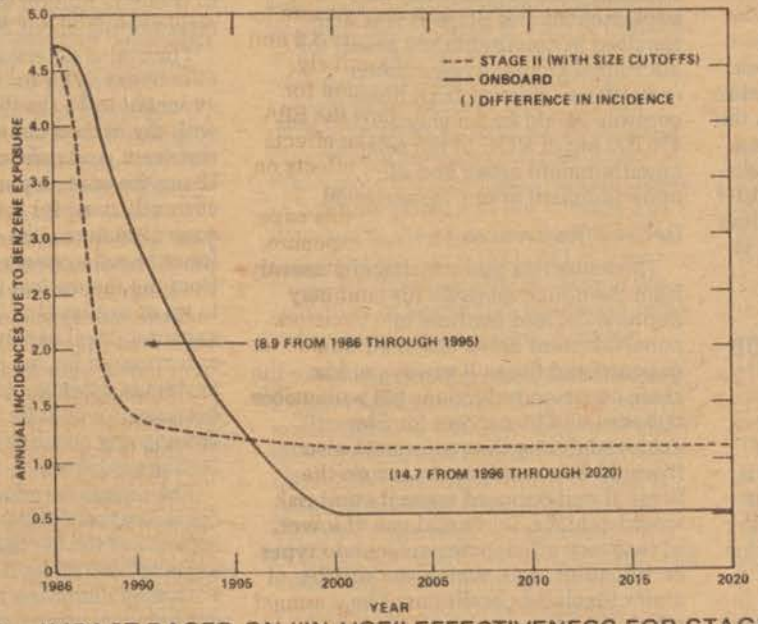


TABLE 2. IMPACT BASED ON "IN-USE" EFFECTIVENESS FOR STAGE II AND ONBOARD CONTROLS (1986 - 2020).

REGULATORY STRATEGIES (percent control efficiency)	AVERAGE ANNUAL EMISSION REDUCTION, 10^3 Mg[a] OF BENZENE (GASOLINE VAPORS)	NET PRESENT VALUE OF ANNUAL COSTS, 10^6 dollars	DISCOUNTED COST EFFECTIVENESS $ Mg[a] OF VOC	AVERAGE ANNUAL INCIDENCE REDUCTION BENZENE (GASOLINE VAPORS)
STAGE II (W. SIZE CUTOFFS)				
THEORETICAL (95%)	1.1 (160)	1.6	1,040	2.1 (13 OR 22)
IN USE				
• ANNUAL INSPECTIONS (86%)	1.0 (150)	1.7	1,200	1.9 (12 OR 20)
• NO INSPECTIONS (56%)	0.6 (94)	1.4	1,570	1.1 (7 OR 12)
ONBOARD				
THEORETICAL (98%)				
• W. O ADDITIONAL EVAPORATIVE CONTROL	1.3 (200)	1.9	1,360	2.2 (14 OR 24)
• W. ADDITIONAL EVAPORATIVE CONTROL	2.5 (374)[b]	1.9	720	2.5 (19 OR 31)
IN USE (92%)				
• W. O ADDITIONAL EVAPORATIVE CONTROL	1.2 (180)	1.9	1,460	1.8 (12 OR 20)
• W. ADDITIONAL EVAPORATIVE CONTROL	2.3 (350)[b]	1.9	770	2.1 (16 OR 27)

a Mg - MEGAGRAMS
b BASED ON PRELIMINARY DATA

An economic impact analysis was performed on each of the national regulatory strategies using the control equipment costs, assuming that all costs are passed through to consumers. Stage I, with facility-size cutoffs, is estimated to increase the consumer cost of gasoline by 0.13 cents per-gallon and, with no size cutoffs, 0.2 cents per-gallon. Stage II, with size cutoffs, is estimated to increase the cost of gasoline by 0.25 cents per-gallon, and with no size cutoffs, 0.74 cents per-gallon. Based on elasticity of demand models, and using the average $15 increase in sticker price for cars and light-duty trucks, it is predicted that annual car and light-duty truck sales would fall 0.17 percent (about 23,000 sales per year) as a result of requiring onboard controls.

At baseline levels (i.e., no further controls), the highest lifetime risk from high exposure to benzene is estimated to be 1.2×10^{-4}, which was estimated at the boundary of a complex of uncontrolled model bulk terminals. The lifetime risk from gasoline vapors is higher (2.4×10^{-3} or 3.9×10^{-3}) than for benzene. Installing controls at this complex of terminals is estimated to reduce the lifetime risk from high exposure to benzene to 2.0×10^{-5}. As with annual incidence, lifetime risk from high exposure to EDB and EDC is smaller (both about 4.0×10^{-7}).

The next highest lifetime risk from high exposure to benzene is from self-service exposure before control, and is 1.1×10^{-5} for benzene and 5.5×10^{-5} or 9.0×10^{-5} for gasoline vapors. Stage II controls would not reduce this value for lifetime risk from high exposure (assuming size cutoffs were included in the regulation) because there would still be uncontrolled refueling emissions at the smaller service stations. On the other hand, once onboard controls were fully implemented, the lifetime risk from high exposure would be reduced for all light-duty vehicle and truck refueling, at the small as well as the large service stations.

Nonattainment Areas

The purpose of the ozone nonattainment area analysis is to present the impacts of reducing VOC in these areas. A secondary benefit while reducing VOC emissions is reducing the exposure to benezene EDC, EDB, and gasoline vapor. Two types of ozone nonattainment areas were considered in the analysis: Areas needing vehicle refueling controls to help meet their ozone attainment goals by 1987 (later referred to as "selected nonattainment areas"), and all areas predicted by States or by the EPA to be nonattainment for ozone in 1982 (later referred to as "all nonattainment areas"). Cumulative VOC emission reductions over the period 1986 to 2020 (with size exemptions assumed) are 720,000 and 2,100,000 megagrams (Mg) for Stage II in selected nonattainment areas and Stage II in all nonattainment areas, respectively.

The present values of control costs are $210 and $570 million (over a 35-year period) for Stage II in the selected nonattainment areas and Stage II in all nonattainment areas, respectively. The discounted cost-effectiveness (present value of costs divided by present value of VOC emission reduction) is estimated to be $940 per Mg of VOC reduction for Stage II with size cutoffs. If an onboard national control regulation was implemented and Stage II was also required in nonattainment areas, the additional cumulative emission reductions achieved from Stage II controls would be roughly 160,000 and 450,000 Mg of VOC in the selected nonattainment areas and all nonattainment areas, respectively.

In-Use Effectiveness

The estimates and conclusions drawn from the above analysis for controls, nationwide, and controls in nonattainment areas assumed that onboard and Stage II always achieve the same emission reductions (98 percent for onboard and 95 percent for Stage II) achieved during the performance tests. It would be unrealistic to assume that Stage II and onboard control systems would achieve, in normal use, the level of recovery efficiencies achieved during certification tests, which are performed under idealized conditions. The reliability of components, routine maintenance, and public acceptance of the systems—all will affect "downtime." The EPA assessed in-use (i.e., in the field) effectiveness of both control technologies based on engineering considerations respecting the technologies involved, in-field experience to date with Stage II systems in California and the District of Columbia, and EPA's Mobile Source Enforcement Division's past experience with the enforcement of mobile source and mobile source-related programs (e.g., fuels, Stage I vapor recovery, and tampering with lead nozzle restrictors).

The major determinants of in-use effectiveness for Stage II control systems are expected to be routine maintenance and tampering with the control equipment. These, in turn, would be affected by enforcement frequency. In-use emission reduction efficiencies for Stage II were determined at different inspection frequencies including annual and none (i.e., voluntary compliance) under both State and Federal enforcement scenarios. As expected, the greater the enforcement frequency or effort, the closer the in-use efficiency approaches the theoretical efficiency. The theoretical efficiency of 95 percent for Stage II programs is expected to deteriorate to 56 percent with a voluntary compliance program. Even with annual inspections that are the most cost-effective enforcement frequency in terms of enforcement dollars per megagram of emission reduction, the control efficiency is expected to drop from the theoretical level of 95 percent to 86 percent. An annual inspection program for Stage II controls (with exemptions) is estimated to cost $7.7 million annually, representing about 260 person-years.

The major determinant of in-use effectiveness for onboard systems is expected to be the degree of tampering with the carbon canister, hoses, lead restrictor, and onboard fill-pipe seal. Using the spot inspection procedures currently used for the vehicle emission control systems, the control efficiency for onboard systems is expected to drop from the theoretical level of 98 percent to an in-use level of 92 percent with the expected level of tampering. Additional enforcement for the onboard control system is expected to cost very little because it would be incorporated into the ongoing certification and in-use testing programs.

The emission reductions, control costs, cost effectiveness, and incidence reductions for the the in-use efficiencies expected for Stage II with both a voluntary compliance program and an annual inspection program, and onboard with the current spot inspection procedures, are presented in Table 2. The increase in the control costs for the Stage II in-use case, compared with the theoretical case, is due to loss of recovery credits. Costs under a voluntary compliance program go down because an estimated 20 percent of the covered facilities will not install the equipment at all. As can be observed from Table 2, Stage II, even with an annual inspection program, achieves less emission and risk reduction than onboard (assuming size cutoffs).

As mentioned earlier, preliminary data indicate that the evaporative control systems presently installed on newer light-duty vehicles may not capture all the evaporative emissions. Since evaporative emissions and refueling emissions normally do not occur at the same time, increasing the capacity of the current evaporative emission control systems to reduce refueling emissions (i.e., onboard),

would also control any evaporative emissions not captured by the current system. If the additional evaporative control is taken into consideration, preliminary data indicate that the emission reduction potential is roughly double that of the emissions recoverable by Stage II control systems. Based on the preliminary data, it is estimated that the in-use discounted cost effectiveness for onboard, with consideration of the additional evaporative emission capture, would be reduced by 50 percent, to $770/Mg VOC for a national control program.

Request for Public Comment

The EPA is not, at this time, making a determination on the need for, and preferred approach to, control of emissions from the gasoline marketing industry. Rather, the Agency seeks comment from the public on the analyses presented in the support document described in this notice. It is apparent that the interpretation of the analytical results is influenced by the validity of the API gasoline vapor studies. The data indicate that the risk and incidence attributable to exposure to gasoline vapors can be almost an order of magnitude higher than that attributable to benzene exposure, alone. Since these studies can have an important bearing on a decision to regulate, and have not been extensively peer reviewed, the Agency has prepared a Staff Paper for Science Advisory Board review. This paper reviews the background of the gasoline marketing issue, describes the API studies and other work concerning the health effects due to exposure to gasoline vapors, summarizes the Agency's interpretation of this health evidence, and explains how the Agency used the animal studies to estimate human health risk. The Staff Paper, with documentation of the API studies, was reviewed by the Environmental Health Committee of the Science Advisory Board on July 25, 1984. It is available in the docket for public review.

Before deciding on the need for control, and the nature of such control, the Agency will carefully consider the comments on the Staff Paper by the Science Advisory Board, and public comments on both the Staff Paper and the analyses described in this notice. In particular, the Agency requests comments on the specific points identified below:

- Assumptions used in the analysis were discussed earlier in this notice and are discussed in more detail in the regulatory strategies document. In particular, the EPA would like comments on the assumptions for onboard canister costs, and whether there are any major technical problems with onboard systems that would preclude their use; Stage I and Stage II control costs; gasoline consumption projections; the emission factor for refueling losses; the sizes and distribution of plants and service stations; the pumping rate for gasoline; the number of self-service tank fillings for a person with high exposure; and exposure concentrations at self-service pumps.

- Results from the analyses were summarized earlier in this notice. Among these were the results of the economic analysis, which indicated a less than 1-cent per gallon increase for gasoline due to Stage II control systems, and a 0.17 percent reduction in new car and truck sales due to an average vehicle price increase of $15 for the carbon canister system. Comments are requested from consumers on their reaction to the less than 1-cent increase in gasoline price, and the average $15 increase in the price of a new vehicle, and whether either (or both) of these costs are unreasonable in view of the reduction in health risk estimated to be provided by these control systems.

- As discussed earlier, and shown in Figure 1, onboard and Stage II controls would achieve different long- and short-term impacts on emission and cancer incidence reductions. Stage II control systems have the advantages of allowing more rapid attainment of the ozone ambient air quality standard, and more rapidly reducing exposures to benzene, EDC, EDB, and gasoline vapors. Onboard control systems, on the other hand, would achieve more reductions both in VOC emissions and projected cancer incidences in the long run and would reduce self-service exposure at all service stations, large and small. The long-term benefits of onboard control systems are increased when considering the in-use effectiveness of onboard compared with Stage II controls and the cost of the enforcement program which would be required to minimize the reduction in the in-use control effectiveness for Stage II. Public comments are requested on the long- and short-term tradeoffs between these two control systems. It might be argued that requiring both Stage II and onboard controls is feasible since Stage II can achieve emissions reductions sooner than onboard. However, an onboard program would, in a few years, render a Stage II program less than 50 percent effective, and obsolete shortly thereafter. Requiring both systems, on a nationwide basis, does not appear to be justified.

- Seven States have made commitments to adopt Stage II as part of their strategy to attain the ozone national ambient air quality standard by 1987. The form of any national program to control gasoline marketing emissions can have a major influence on the States' ozone attainment efforts. If Stage II was the required national control approach, its selection could reinforce State efforts. However, if onboard is required, it may be very difficult for the States to carry out their commitment ot Stage II. Public comments are requested on what action should be taken (or allowances made) by the EPA concerning State implementation plans for ozone if an onboard control program is required.

- In the section of this Notice discussing assumptions, certain control efficiencies for bulk terminals, bulk plants, and service stations (Stages I and II) were discussed. For example, it was stated that if Stage II were selected as a control strategy, a standard similar to the California standard (which requires 95 percent control) would likely be proposed. In addition, the size cutoffs for service stations and bulk plants assumed in the analyses were specified. The public, particularly the affected industries, are requested to comment on the control effectiveness and size cutoffs discussed.

Docket

The docket is organized and contains complete files of all the information submitted to, or otherwise considered by, the EPA in the development of this notice and regulatory strategies document. The principal purposes of the dockets are to: (1) Enable all interested parties to effectively participate in the rulemaking process; and (2) to serve as the record in case of judicial review except for interagency review materials (section 307(d)(7)(A)).

Miscellaneous

A draft copy of both this Notice and the subject document were sent to the Office of Management and Budget (OMB). Any written comments from OMB to EPA, and any EPA written responses to those comments, are available for inspection in Docket Number A–84–07, Central Docket Section, located at the address given in **ADDRESSES** section of this notice.

Dated: July 27, 1984.

Joseph A. Cannon,

Assistant Administrator for Air and Radiation.

[FR Doc. 84-19972 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-00000/P355; OPP-FRL-2648-4]

Definitions and Interpretations; Proposed Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that 40 CFR 180.1(h) be amended by adding and defining the crop term "wheat" to include both wheat and triticale. This proposed amendment was requested by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before September 7, 1984.

ADDRESS: By mail, submit written comments identified by the document control number [OPP-00000/P355] to:

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

In person, bring comments to:

Information Services Section (TS-757C, Environmental Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT:

By mail: Donald Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted a request to EPA, on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project. IR-4 requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose that 40 CFR 180.1(h) be amended by adding the general category "wheat" to column A and by adding the corresponding specific raw agricultural commodities "wheat, triticale" to column B. Triticale is a hybrid of wheat and rye. IR-4 requested this amendment in order to clarify and update the relationship between the general category "wheat" in column A and the specific raw agricultural commodities listed in column B.

IR-4 supports its request by pointing out that triticale is the sterile hybrid that results from a cross between wheat (*Triticum aestivum*) or durum (*Triticum turgidum*) and rye (*Secale cereale*), hence the name triticale. Triticale is not a single species. Because of the thousands of known wheat (more than 16,000 in the world gene pool) and rye varieties, the nmber of first generation (F1) triticales is huge. The number of possible triticales approaches infinity since third and fourth generation (F3 and F4) triticales can be crossed back to any of the wheats or ryes with any other triticle.

The Administrator concurs with IR-4 on the proposed revision of the 40 CFR 180.1(h) to add the general category "wheat" to column A and the corresponding specific raw agricultural commodities "wheat, triticale" to column B. This revision will expand the tolerances and exemptions established for residues of pesticide chemicals in or on the general category "Wheat" to include triticale. Based on the information considered by the Agency, it is concluded that the regulation established by amending 40 CFR Part 180 will protect the public health. Therefore, it is proposed that 40 CFR 180.1(h) be amended as set forth below.

Interested persons are invited to submit written comments on the proposed amendment, and may request within 30 days after publication of this notice in the **Federal Register**, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act. Comments must bear a notation indicating the document control number, [OPP-00000/P355]. All written comments filed in response to this amendment request will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

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

List of Subjects in 40 CFR Part 180

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

Dated: July 30, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Program.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.1(h) be amended by alphabetically inserting "wheat" in column A and adding the specific raw agricultural commodities "wheat, triticale" in the corresponding column B, to read as follows:

§ 180.1 Definitions and interpretations.

* * * * *

(h) * * *

A	B
* * * * *	
Wheat	Wheat, triticale.
* * * * *	

[FR Doc. 84-20843 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 84-749; RM-3570; RM-3798; File No. 20323-CD-P-(2)-81; FCC 84-352]

Amendment of the Commission's Rules Governing Air-Ground Stations in the Public Land Mobile Service and Application of Denver Telephone Answering Service, Inc. for a New Air-Ground Station in the Domestic Public Land Mobile Radio Service on Certain Frequencies at Denver, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to allocate frequency 459.675 MHz as a second signaling channel for air-ground stations in the Public Land Mobile Service. The proposed allocation will allow implementation of an automated signaling system for air-ground service.

DATES: Comments are due by September 6, 1984 and replies by September 21, 1984.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kelly Cameron, Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 22

Mobile radio service, Communications common carriers.

Notice of Proposed Rule Making

In the matter of amendment of part 22 of the Commission's Rules and Regulations Governing Air-Ground Stations in the Public Land Mobile Service and Application of Denver Telephone Answering Service, Inc. for a New Air-Ground Station in the Domestic Public Land Mobile Radio Service on Frequencies 454.675 and 454.900 MHz at Denver, Colorado; CC Docket No. 84-749, RM-3570, RM-3798, File No. 20323-CD-P-(2)-81.

Adopted: July 26, 1984.
Released: July 31, 1984.

By the Commission.

1. The Commission has before it two related rulemaking petitions. First, a petition filed by Wulfsberg Electronics, Inc. (Wulfsberg), RM-3570, seeks the assignment of frequency 459.675 MHz as an automated signaling channel for radio communications with airborne stations.[1] Second, the petition of Denver Telephone Answering Service, Inc. (Denver), RM-3798 requests that the Commission amend § 22.521(a) of the rules to authorize shared utilization of frequency 454.675 MHz as a signaling channel for radio communications with airborne stations. In addition, Denver has filed an application for review of the Common Carrier Bureau's return of its air-ground application for Denver, Colorado. Because of the interrelated nature of these filings, we address them together.

2. Wulfsberg proposes that we make frequency 459.675 Mhz available for assignment in the air-ground service for use as a signaling channel. Wulfsberg states that assignment of the frequency is necessary for the implementation of an automated signaling system.[2] Currently, completion of air-ground calls requires operator assistance. In addition, because only one signaling channel is available, calls from an aircraft to a base station must be initiated on a working channel. This detracts from the air time that can be used for traffic. An automated signaling system would eliminate the need for this. In addition, an automated system would have a queuing capability, enabling the base station to receive calls and hold them until a working channel was available. Wulfsberg states that an automated system would be compatible with the present manual system. Wulfsberg believes that the public would benefit from the adoption of its proposal in the form of lower cost and more efficient service.

3. Two oppositions were filed against the Wulfsberg petition. These pleadings were filed by parties supporting the use of 459.675 MHz as a nationwide paging channel as proposed in a then-pending rulemaking petition, RM-2750. The Commission has since decided to allocate frequencies in the 900 MHz band for nationwide paging and denied the petition asking for 459.675 MHz for this purpose. *One-Way Signaling in the 900 MHz Band (NPRM)* Gen. Docket No. 80-183, 45 FR 32013 (1980); *Paging Systems—DPLMRS*, Gen. Docket No. 80-183, 89 FCC 2d 1337 (1982).[3] The Commission has received numerous expressions of support for the proposal.[4]

4. In its rulemaking petition, Denver proposes that the Commission authorize more than a single public air-ground radiotelephone licensee in markets in which the existing licensee has not placed all allocated working channels in service. Under the Commission's present policy, only one air-ground licensee is authorized to use the single signaling channel and the one or more working channels assigned to the market for which it is licensed. In order to effectuate its proposed open-entry policy, Denver proposes that we require carriers to share the currently allocated signaling channel, 454.675 MHz. Denver asserts that shared use of the signaling channel could be accomplished by use of a common terminal or by use of an off-air monitoring system to seize the channel if operating through separate terminals. Denver claims that shared use of the signaling channel is technically feasible and would not impair the air-ground services offered by cooperating carriers. Denver contends that its proposal would foster competition, make air-ground service more widely available and would lead to more efficient frequency utilization.

5. Denver has also filed an application for review of the Common Carrier Bureau's action returning without prejudice its application for authorization of new air-ground facilities to operate on frequencies 454.675 and 454.900 MHz at Denver, Colorado, File No. 20323-CD-P-2-81. The 454.675 MHz signaling channel had already been assigned to the existing air-ground licensee in Denver, and the applicant requested a waiver of the exclusive licensing policy. The Bureau denied the waiver request and returned Denver's application. The Bureau stated that, pending resolution of the issues raised by the instant petition for rulemaking, Denver's request for waiver of the Commission's single-carrier policy would be denied. In its application for review, Denver contends that the Bureau failed to give its waiver request a "hard look" and that a waiver was justified in this case.

Discussion

6. *Rm-3570.* We tentatively find that the allocation of frequency 459.675 MHz to the air-ground radiotelephone service for use as a signaling channel would serve the public interest. Allocating an additional signaling channel will make possible the development and implementation of an automated signaling system for air-ground service. We believe that this will benefit the public by making air ground service more efficient and less costly. Automated signaling will also obviate the necessity of using a working channel for signaling from an airborne station to a base station. Therefore, we propose to amend the rules by adopting the proposed rule set out in the Appendix hereto. We invite comments on this proposal. In particular, we invite interested parties to submit comments concerning whether the Commission should specify a particular format in order to enhance the nationwide compatibility of this sytem. We also request comments on whether additional measures are required to ensure that Wulfsberg's proposed system is compatible with existing equipment.

[1] Frequency 459.675 MHz is currently unavailable for assignment. Its paired frequency, 454.675 MHz, is allocated to the air-ground service as a signaling channel.

[2] Using the automated system proposed by Wulfsberg, the carrier's base station would transmit a data signal to an aircraft on frequency 454.675 MHz. This signal would advise the aircraft that the base station had received a call for a passenger on the aircraft. The aircraft's mobile station would then automatically transmit a signal to the base station, on 459.675 MHz, advising that the call had been received and "recommending" a working channel. The conversation would then be conducted on the working channel. The above procedure would essentially be reversed for calls initiated by an aircraft. The base station would automatically connect the call to the public switched telephone network.

[3] One of the parties that initially opposed the Wulfsberg petition on this ground, Mobile Communications Corporation of America (MCCA), has not submitted a letter in support of the petition.

[4] Subsequent to filing its petition, Wulfsberg filed an application for developmental authority, File No. 9006-ED-PL-83. This application was granted on April 25, 1983.

7. *RM–3798.* We will deny Denver's petition for rulemaking. Coordination of the shared use of the signaling channel would be difficult at best and likely would result in higher costs and reduced technical efficiency. In analogous circumstances, we have refused to force the sharing of frequencies and other facilities. *Associated Communications of New York,* Mimeo No. 3319 (Com. Car. Bur. 1983), *see also Cellular Communications Systems (Report and Order),* 86 FCC 2d 469, 477–78 (1981); *Paging Systems—DPLMRS,* 89 FCC 2d 1337, 1347–48 (1982) *Memorandum Opinion and Order on Reconsideration,* 93 FCC 2d 908, 915 (1983). In addition, Denver admits that its scheme would impose additional administrative burdens on existing licensees and on the Commission. While we have generally found competition in the provision of communications services to be in the public interest, Denver has failed to make a *prima facie* showing that additional entry it proposes would be "reasonably feasible" and would serve the public interest. *See FCC v. RCA Communications, Inc.,* 346 U.S. 86 (1953). The crux of Denver's petition is that there are certain assigned but unused air-ground channels, and that this lack of use harms the public. Any potential benefits of Denver's proposal appear to be quite speculative while the likelihood that it would be technically and administratively unworkable is very real. For these reasons, we find that proceeding with Denver's proposal at this time would not be in the public interest.

8. *Denver's application for review.* We are denying Denver's application for review of the Common Carrier Bureau's return of its air-ground application. The signaling frequency requested by Denver had already been licensed to the existing air-ground carrier in the Denver area and was not available for assignment. Denver's request for a waiver of the exclusive licensing rule thus amounted to a petition for modification of that carrier's license. The Bureau properly refused to deviate from the Commission's exclusive licensing policy in view of the lack of compelling and extraordinary circumstances. The grant of a waiver would have required a change in the exclusive licensing policy in this case. We have now reexamined that policy and decided to maintain it. Denver has not convinced us that this policy should not be applied to its case; accordingly we deny Denver's application for review.

Regulatory Flexibility Act—Initial Analysis

9. *Reasons for Action and Objective.* This rule is being proposed in order to allow the implementation of an automatic signaling system for stations operating in the air-ground radiotelephone service. The rule's objective is to make air-ground radiotelephone service more efficent and less costly.

10. *Legal Basis.* The authority for the proposed rulemaking is contained in sections 4 and 303 of the Communications Act of 1934, as amended.

11. *Small Entities Affected and Potential Impact.* The proposed rule will affect air-ground licensees, air-ground radiotelephone equipment manufacturers and members of the public receiving air-ground service. Some of these may be small entities. Licensees and members of the public will benefit from the provisions of less costly, more efficient service. Equipment manufacturers may be required to modify their equipment.

12. *Relevant Federal Rules which Overlap, Duplicate or Conflict with this Action.* None

13. *Reporting, Record-Keeping and Compliance Requirements.* None.

14. *Alternatives That Would Lessen Impact.* We do not believe that there are any alternatives that would lessen impact.

15. Interested parties are invited to submit written comments on their views concerning the adoption of the proposed rule to the Federal Communications Commission, Washington, D.C. 20554. Comments should be submitted in accordance with Rule § 1.419, 47 CFR 1.419. Comments should be submitted by September 6, 1984, Reply Comments by September 21, 1984. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the commisssion adoptes a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission Official receiveing the oral presentation. Each *ex parte* presentation described above must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR 1.1231. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not continued in the comments, providing that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

16. Accordingly, it is proposed, that 47 CFR 22.521 be amended as set forth in the attached Appendix.

17. It is further ordered, that the Petition for Rulemaking, RM–3798, filed by Denver Telephone Answering Service, Inc. is denied.

18. It is further ordered, that the Application for Review filed by Denver Telephone Answering Service, Inc. File No. 20323–CD–P–(2)–81, is denied.

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

Federal Communications Commission.

William J. Tricarico

Secretary.

Appendix

Proposed Rule

The Commission proposes to amend 47 CFR 22.521 by revising the first line of the table in paragraph (a)(1) and revising paragraph (a)(2) to read:

§ 22.521 Air-ground radiotelephone service.

Base station frequencies (MHz)	Working channel designations	Mobile and auxiliary test station frequencies (MHz)
454.675	.....	459.675

* * * * *

(2) Frequencies 454.675 MHz and 459.675 MHz are to be associated with each base/mobile pair listed.

[FR Doc. 84-20952 Filed 8-7-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-716; RM-4761]

TV Broadcast Station in Eugene, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein, at the request of Sainte Broacasting Corporation, proposes assignment of UHF Television Channel 34 to Eugene, Oregon, as the community's fourth commercial television service.

DATES: Comments must be filed on or before September 17, 1984, and reply comments on or before October 2, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the Matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Station (Eugene, Oregon) MM Docket No. 84-716; RM-4761.

Adopted: July 11, 1984.
Released: July 25, 1984.

By the Chief, Policy and Rules.

1. A petition for rule making was filed February 1, 1984, by Sainte Broadcasting Corporation ("petitioner"), requesting the assignment of UHF TV Channel 34 to Eugene, Oregon, as the community's forth commercial television facility. Petitioner has stated an intention to apply for the channel, if assigned.

2. Eugene (population 105,624) [1] county seat of Lane County (population 275,226) is located in west central Oregon, approximately 160 kilometers (100 miles) south of Portland, Oregon. Presently Eugene is assigned three commercial television stations and has one unoccupied noncommercial educational channel.

3. UHF Television Channel 34 can be assigned to Eugene, Oregon, in compliance with the minimum distance separation requirements of § 73.610 of the Commission's Rules

[1] Population figures are taken from the 1980 U.S. Census.

4. In view of the fact that Eugene could receive a fourth local commercial television broadcast service, the Commission believes it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments § 73.606(b) of the Commission's Rules) for the following community:

City	Channel No.	
	Present	Proposed
Eugene, OR	9+, 13, 16+, *28-	9+, 13, 16+, *28-, 34

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

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

6. Interested parties may file comments on or before September 17, 1984, and reply comments on or before October 2, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Sainte Broadcasting Corporation, 646 East Alisal Street, Salinas, California 93905 (Petitioner).

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

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

Federal Communications Commission.

(Secs. 4, 303, 48 Stat. as amended, 1066, 1082; 47 U.S.C. 104, 303)

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(e)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

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

[FR Doc. 84-20944 Filed 8-7-84; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-231]

Increase Availability of FM Stations; Establishment of Reply Comment Period

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; establishment of reply comment period.

SUMMARY: Action taken herein proposes new FM allotments nationwide in response to statements of interest and counterproposals filed by various parties. The allotments could provide the communities listed with first local FM service, first full-time aural service, minority service or public radio service.

DATE: Reply comments must be filed on or before August 22, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark Lipp or Joel Rosenberg, Allocations Branch, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Reply Comment Date of August 22, 1984, Established in MM Docket 84-231

July 23, 1984.

1. On March 1, 1984, the Commission adopted the *Notice of Proposed Rule Making* in MM Docket 84-231, 49 FR 11214, published March 26, 1984, proposing to allot new FM channels at 686 communities. We have received comments and counterproposals in response to the list of communities. Some of the communities received no interest and have been removed from the list. Some counterproposals were determined to be unacceptable and returned. Where appropriate, copies of the counterproposal were retained for consideration as opposition comments.

2. The primary purpose of reply comments in this proceeding is to afford the opportunity for interested parties to provide information concerning which of the conflicting communities should be selected. During this reply stage, we will not accept proposals for any other communities not already specified on the attached list. (All such proposals may be filed at the conclusion of this proceeding.) Parties may also file reply comments in order to update or correct information regarding this proceeding. Finally reply comments may address any other matters raised in initial comments.

3. Each of the original 686 communities has been numbered. The attached list retains the original numbering. Therefore, where a community has been removed due to a lack of interest, there will be a gap in the sequence of numbers. Parties desiring to file reply coments should refer to the number designated with the community even though it may appear that the numbers are not in sequence.

4. Where a counterproposal has been accepted, the conflicting communities are listed together. The counterproposal is designated by a letter and by the number given to the city or cities in conflict. In some cases, more than one counterproposal was received for the same community. In addition some counterproposals conflict with two or more communities. To ease the search for all such mutually exclusive proposals, we have provided an appendix which lists the multiple conflicts. All affected cities are indicated with an asterisk.

5. The attached list includes (1) all currently allocated channels, (2) the proposed channels, (3) site restrictions for the proposed channels expressed in miles with geographical bearings, and (4) whether concurrence from Canada, Mexico, or other governmental authorities is necessary.

6. Interested parties may file reply comments on or before August 22, 1984. When filing reply comments please submit an original and four copies. A separate set of comments must be submitted for each community. Please refer to the designated number and/or letter for the listed community. Copies of comments and reply comments can be obtained by contacting International Transcription Services, 4006 University Drive, Fairfax, Virginia, (202) 296-7322.

William J. Tricarico,

Secretary, Federal Communications Commission.

REVISED LIST OF COMMUNITIES AND COUNTERPROPOSALS

City	Channel No.		Concurrence required
	Present	Proposed	
Alabama:			
1. Alabaster		247	
1A&B Homewood		247A	
1C Vestavia Hills		247A (3.2 S)	
1D Rockford *		247A	
1E Oxford *		247C2	
1F Pell City *		247A	
2. Anniston	263	250A, 263	
2A Oxford *		247C2	
3. Bay Minette	288A	288A, 293A (1.6 S)	
3A Foley		293A	
3 B&C Gulf Shores		293A	
4. Brundige		234A (3.7 NW)	
5. Cordova		225A	

REVISED LIST OF COMMUNITIES AND COUNTERPROPOSALS—Continued

City	Channel No.		Concurrence required
	Present	Proposed	
6. Dothan	238, 259	238, 259,273A (1.2 N)	
7. Elba		266A	
8. Eutaw		275A (4.2 S)	
9. Florence	297	241A (3.2 E), 297	
10. Fort Rucker		226A (0.1 NW)	
11. Linden		287A (0.9 E)	
12. Mobile	225, 235, 241, 248, 260	225, 235, 241, 248, 260, 290A,	
12A&B&C Gulf Shores *		291A[1]	
13. Montgomery	222, 255, 270, 277	222, 241A (3.1 S) 255, 270, 277	
14. Selma	261A, 265A	226A (3.9 W), 261A, 265A	
15. Talladega	224A	224A, 248A	
15A Lineville *		248A	
15B Rockford *		247A	
15C Oxford *		247C2	
16. Tallassee		247A (4.4 NW)	
16A Rockford *		247A	
16B Oxford *		247C2	
16C Pell City *		247A	
17. Vernon		293A	
18. Winfield		290A (4.1 E)	
Alaska:			
19. Anchorage	247, 251, 255, 263, 267, 271, *276A, 281, 287, 293, 298.	225, 247, 251, 255, 263, 267, 271, *276A, 281, 287,293, 298.	
20. Bethel	261A	261A, 300A	
Arizona:			
21. Buckeye		295A	Mexico.
22. Chinle		297A	
23. Flagstaff	225, 230, 248	225, 230, 248, 291A	
24. Globe	262	247A (1.1 N), 262	Mexico.
25. Kearny		291A	Do.
26. Oraibi		267A	
27. Phoenix	233, 238, 245, 254, 260, 268, 273	233, 238, 245, 254, 260, 268, 273, 290A (0.9 SE)	
27A Paradise Valley		289A	Mexico.
28. San Carlos		280A	Do.
29. Sierra Vista	265A	265A, 269A (0.6 E)	Do.
30. Tuba City		252A	
31. Tucson	225, 229, 235, 241, 258, 298	225, 229, 235, 241, 258, 271A (3.2 NE), 298	Mexico.
31A Casas Adobes		271A	Do.
32. Window Rock		264A	
33. Yuma	226, 236, 265A	226, 236, 250A, 265A	Mexico.
Arkansas:			
34. Beebe		268A (3.8 W)	
35. Cabot		273A	
36. Clarendon		295A	
37. Dermott		289A (3.1 S)	
38. El Dorado	240A, 257A, 276A	227A (3.8 W) 240A, 257A, 276A	
39. England		243A (0.04 NW)	
40. Eudora		268A	
41. Glenwood		284A	
42. Hamburg		230A	
43. Hardy		284A (2.8 E)	
44. Helena	276A	233A, 276A	
45. Horseshoe Bend		291A	
46. Little Rock	231, 239, 253, 279	231, 239, 253, 279, 294A	
47. Malvern		290A	
48. Marianna		297A (4.5 W)	
49. Marked Tree		229A	
50. North Crossett		274A (3.3 NW)	
51. Pine Bluff	222, 235, 257A	222, 235, 257A, 267A	
52. Texarkana	296A	259A, 296A	
52A New Boston, Texas	240A	240, 259A	
53. Trumann		294A	
California:			
54. Atwater		223A (4.5 SE)	
55. Avenal		291A	
56. Bakersfield	221A, 231, 243, 268, 296A, 300	211A, 231, 243, 261A, 268, 296A, 300	
56A Shafter*		263B1 (11.1 N)	
57. China Lake		278A	
57A Cartago		278A	
58. Chowchilla		227A	
59. Colusa		243A (0.8 N)	
60. Crescent North		249	
61. East Hemet		267A (0.4 E)	Mexico.
61A Idyllwild		267A	Do.
62. East Porterville		265A (2.1 SE)	
63. Earlimart		263A	
63A Shafter*		263B1 (11.1 N)	
64. Firebaugh		276A (4.5 W)	
65. Ford City		270A	
66. George		264A	Mexico.
67. Gonzales		287A (2.6 SW)	
68. Hanford	279, 298	233A (4.5 SE), 279, 298	Mexico.
69. Independence		292A	
70. Kingsburg		292A (3.9 W)	
71. Lake Isabella		283A	
72. Lenwood		287A	Mexico.
72A Lucerne Valley		287A	Do.
73. Lindsay		277A	
74. Madera	221A	221A, 234A (1 E)	
75. McFarland		275A	

REVISED LIST OF COMMUNITIES AND COUNTERPROPOSALS—Continued

City	Channel No.		Concurrence required
	Present	Proposed	
76. Mendota		272A (4.7 NE)	
77. Merced	248, 268, 292A	248, 268, 292A, 299A (0.3 S)	
78. Modesto	272A, 277, 281	230A, 272A, 277, 281	
79. Orange Cove		261A (4 NW)	
80. Orland		294A	
81. Oxnard	252A, 284	252A, 271A (1.3 S), 284	Mexico.
82. Rio Dell		299A	
83. Rohnerville		294A	
84. Sacramento	233, 241, 245, 253, 263, 266, 293, 300	233, 241, 245, 253, 263, 278A, 286, 293, 300	
85. Salinas	264, 273, 280A	250A (2.7 SE), 264, 273, 280A	
86. San Jacinto		280A	Mexico
87. San Luis Obispo	222, 241, 251	227, 241, 251, 279A	
88. Santa Barbara	229, 248, 260, 277	229, 248, 260, 277, 299B1 (5.4 NW)	
88A Montecito		299B1 (4.4 W)	Mexico.
89. Santa Rosa	261A, 269A	229A, 261A, 269A	
89A Sebastopol		229A	
90. Searles Valley		296A	
91. Soledad		292A	
92. South Oroville		265A (2.3 W)	
92A Gridley		265A (5.7 NW)	
93. Visalia	225, 246	225, 241A (4.5 SE), 246	
94. Winton		254A	
Colorado:			
95. Brush	296A	292A, 296A	
96. La Junta	221A	221A, 295A	
97. Las Animas		297A	
98. Pueblo	245, 255, 260, 264, 296A, 300	245, 255, 260, 264, 283C1 (10 SE), 296A, 300	
Connecticut:			
99. Coventry		299A (0.9 SW)	
99A Ledyard		299A	
99B East Lyme		299A	
99C Vernon		299A (0.9 SE)	
100. New London	265A	254A, 265A	
101. Pawcatuck		293A	
102. Stafford Springs		259A	
102A Plainfield		259A	
102B Warwick, Rhode Island		259A (7.8 W)	
Delaware:			
103. Lewes		290A	
104. Milford	249A	249A, 267A (4.9 SW)	
Florida:			
105. Century Village		286A	
105A Orange Beach, Alabama		286A	
106. Chattahoochee		227A (2.5 SW)	
107. Chiefland		223A	
107A Alachua		223A	
108. Daytona Beach	233, 270	233, 270, 277A	
108A Holly Hill		277A	
119. Edgewater		226A (0.7 NE)	
110. Englewood		282C2 (12.4 SW)	
111. Fort Myers	237A, 245, 270	229A (3.1 W), 237A, 245, 270	
111A Tice		229A (3.8 W)	
112. Gifford		259A	
Florida:			
113. Graceville		271A (3.3 E)	
114. Key West	223, 228A, 254, 258, 296A	223, 228A, 254, 258, 296A, 300A	
114A Key Colony Beach		300A	
114B Summerland Key		300A	
115. Marianna	265A	265A, 286A	
116. Monticello		270A	
117. Orlando	222, 243, 262, 286	222, 243, 255A (2.3 N), 262, 286	
117A Kissimmee		225A (4.3 N)	
118. Pensacola	231, 264, 268, 297	231, 264, 268, 291A, 297	
118A&B Gulf Shores, Alabama*		291A	
119. Quincy	269A, 285A	269A, 274A, 285A	
119A Gretna		274A	
120. Tallahassee	235, 240A, 255, 276A, 281	235, 240A, 255, 276A, 281, 298C1 (20 E)	
120A Omega, Georgia*		298A	
121. Watertown		269A (0.9 NW)	
Georgia:			
122. Albany	242, 269A, 283	242, 269A, 279A, 283A,	
122A Leesburg		279A	
123. Arco		290A	
124. Ashburn		289A	
125. Bainbridge	247	247, 290A	
126. Calhoun		300A (3.4 NW)	
126A East Ridge, Tennessee		300A (1.4 SW)	
126B Ft. Oglethorpe		300A	
126C Jasper, Tennessee		300A	
127. Cuthbert		264A	
128. Douglasville		273A (2.8 S)	
128A College Park		273A	
128B Barnesville		273A (3.5 NE)	
128C&F Peachtree City		273A	
128D Mableton		273A	
128E Fayetteville		273A	
128G Marietta	268	268, 273A (5.2 SW)	
129. Eatonton		264A (2.5 SW)	
130 Fort Valley	292A	248A (0.9 NE), 292A	
131. Hogansville		248A (1.1 S)	

REVISED LIST OF COMMUNITIES AND COUNTERPROPOSALS—Continued

City	Channel No.		Concurrence required
	Present	Proposed	
131A Lineville, Alabama*		248A	
132. Lafayette		239A (0.2 S)	
132A East Ridge, Tennessee		239A (6.8 SE)	
132B Ringgold		239A	
132C Trion		239A (1.3 NE)	
133. Lakeland		299A	
133A Omega*		298A	
134. Lyons		223A (4.6 SW)	
134A Reidsville		222A	
135. Macon	256, 287, 300	256, 279A, 287, 300	
136. Milledgeville	272A	222A, 272A	
136A Irwinton		222A	
136B Jeffersonville		222A (7.4 N)	
136C Sparta	249A	222A (1.7 NW), 249A	
137. Millen		275A	
138. Montezuma		223A	
139. Royston		279A	
140. Statesboro	261A	216A, 266A (3.6 NE)	
140A Hardeeville, South Carolina		266A	
141. Sylvester		271A	
142. Valdosta	225, 240A, 244A 266	225, 240A, 244A, 266, 290A (1 NE)	
Hawaii:			
143. Honolulu	226, 230, 234, 238, 248, 253, 258, 262, 286	226, 230, 234, 238, 248, 253, 258, 262, 290	
Idaho:			
144. American Falls		281A	
146. Gooding		253A	
Illinois:			
147. Bushnell		271A	
149. Carterville		236A (1.9 W)	
150. Casey		286A	
151. Champaign	233, 248	233, 248, 290A	
152. Coal City		264A	
153. Decatur	236, 257A, 275		226A (2.3 SE), 236, 257A, 275
153A Mahomet		266A	
154. Dwight		255A	
156. Farmington		239A (3.6 NE)	
156A Eureka		239 (0.6 NE)	
157. Galena		298A (2.7 N)	
158. Galva		273A	
160. Henry		247A	
162. Kankakee	224A, 260	224A, 236A (2.0E), 260	
164. Marseilles		273A	
165. Marshall		281A (4.4 W)	
167. McLeansboro		283A	
167A Carrier Mills*		283A (3.5 NW)	
168. Nashville		295A	
168A Woodlawn*		294A (2.9 N)	
169. Newton		290A	
172. Oregon		263A (0.8 N)	
173. Peoria	227, 289, 295	227, 250A, 289, 295	
173A Eureka		251A	
174. Pinckneyville		282A (1.1 W)	
174A Carrier Mills*		283A (3.5 NW)	
175. Polo		299A	
175A. Morrison		299A	
176. Spring Valley		271A	
Indiana:			
178. Anderson	250	230A, 250	Canada.
179. Attica		239A	
180. Austin		287A (2.9 S)	
180. Charlestown*		287A	
181. Berne		287A	Canada.
182. Bicknell		289A (4.4 SW)	
183. Bloomfield		266A (1.5 SE)	
185. Clinton		230A	
186. Corydon		234A (1.0 NE)	
187. Delphi		275A	
188. Dunkirk		248A	Canada.
189. Evansville	281, 287	281, 287, 291B1 (5.4. S)	
189A Newburgh		291A	
190. Fort Branch		268A (4.3 E)	
191. Fort Wayne	236, 247, 269A, 280A	236, 242B1 (8 W), 247, 269A, 280A	Canada.
191A New Haven		242A	
193. Grissom		279A	Canada.
193A Royal Center		279A	Do.
195. Indianapolis	226, 234, 238, 277, 283, 289, 300	226, 234, 238, 242A, 277, 283, 289, 300	
196. Mitchell		273A	
197. Mount Vernon		298A (7.2 E)	
198. Nappanee		245A	Canada
199. Noblesville		254B1 (2.0 NE)	Do.
200. South Bend	225, 268, 276A, 280A	225, 268, 276A, 280A, 292A (4.4 NW)	Do.
Iowa:			
201. Anamosa		234A	
201A&B Manchester		234A	
203. Belle Plaine		239A	
204. Cresco		238A	
205. Des Moines	227, 235, 247, 262, 273	227, 235, 247, 262, 273, 298C2 (2.7 E)	
207. Eldora		258A (0.7 SW)	

REVISED LIST OF COMMUNITIES AND COUNTERPROPOSALS—Continued

City	Channel No.		Concurrence required
	Present	Proposed	
208. Grinnell		294A (3 N)	
210. Jefferson		255A (0.5 NW)	
211. New Hampton		236A (0.9 NE)	
214. Sac City		*286A	
215. Sibley		262A	
217. Winterset		239A	
Kansas:			
218. Augusta		242A	
219. Fredonia		281A	
221. Girard		266A (0.6 SW)	
222. Herington		241A (1.0 N)	
224. Kansas City	231, 251	222A (2.5 SW) 231, 251	
224A Olathe		222A	
224B Richmond, Missouri*		223A	
225. Kingman		232A	
226. Medicine Lodge		240A	
227. North Fort Riley		273C2 (5.6 W)	
228. Plainville		235A	
229. Topeka	247, 262, 295, 299	223A (4.5 E), 247, 262, 295, 299	
230. Winfield	232A	232A, 254A [8]	
Kentucky:			
231. Beaver Dam		274A	
231A Morgantown		274A (1.6 N)	
232. Berea		300A	
233. Buffalo		256A	
233A Edmonton		256A (4.5 NE)	
234. Burkesville		253A	
235. Cave City		294A (2.1 NE)	
236. Cumberland		247A	
237. Eminence		242A (0.2 N)	
238. Harlan		286A	
239. Hawesville		289A	
240. Irvine		291A	
241. Lancaster		286A	
242. Lawrenceburg		273A	
Lexington	225, 233, 251		
243. Lexington-Fayette		225, 233, 251, 283A	
243A Nicholasville		283A	
243B Wilmore		283A	
243C Midway		283A (3.2 E)	
244. Louisa		222A	
245. Louisville	248, 259, 272A, 276A, 280A, 295	248, 259, 263C2 (8.3 W), 272A, 276A, 280A, 295	
245A Fort Knox	288A	263C2 (13.6 NE), 288A	
246. Marion		274A	
248. Radcliff		278A	
248A Springfield		278A (2.6 NW)	
249. Salyersville		275A	
250. Shelbyville		289A	
251. Shepherdsville		286A (1.6 NE)	
251A Charlestown, Indiana*		287A	
253. Whitley City		291A (2.5 NE)	
254. Williamsburg		274A (0.3 NW)	
Louisiana:			
255. Alexandria	226, 245, 262	226, 245, 262, 287A	
256. Arcadia		223A (3.6 SW)	
261A. Basile [3]		271A	
257. Bastrop	232A, 261A	232A, 261A, 277A	
258. Berwick		229A (2.7 S)	
259. Bunkie		282A (1.3 NE)	
260. Buras Triumph		233A	
269A Coushatta*		247A (3.1 S)	
263. Homer		260A (0.4 NW)	
264. Jonesville		286A	
265. Lafayette	233, 260	233, 260, 290A (2.7 E)	
265A Breau Bridge		290A	
266. Lake Arthur		297A	
267. Lake Charles	241, 258, 279	241, 258, 279, 287C2 (14.6 SW)	
268. Larose		262A	
268A&B Lockport		262A (2.1 SE)	
270. Monroe	270, 281, 291	270, 281, 287A, 291	
271. New Iberia	256	225A (3.1 SW), 256	
271A Erath		225A	
272. North Fort Polk		250A	
273. Opelousas	296A	238A, 296A	
274. Rayne		294A (6.7 NW)	
275. Reserve		235A (0.5 SE)	
276. Ruston	298	239A, 298	
277 Shreveport	229, 233, 243, 261A, 268	229, 233, 243, 261A, 268, 275C2 (13.5 E)	
278. South Fort Polk		294A	
279. Vivian		239A	
280. Washington		284A (3.5 N)	
Maine:			
282. Dexter		297A	Canada.
283. Fairfield		232A (4.4 N)	Do.
284. Kittery		287A	Do.
285. Madison		248A (3.1 N)	Do.
286. Mexico		264A (4.1 NW)	Do.
287. Pittsfield		271A (2.0 W)	Do.
288. Topsham		238A (3.8 S)	Do.

REVISED LIST OF COMMUNITIES AND COUNTERPROPOSALS—Continued

City	Channel No.		Concurrence required
	Present	Proposed	
288A Yarmouth		238A (0.9 SE)	
289. Van Buren		251A (0.1 SW)	Canada.
290. Winslow		237A	Do.
Maryland:			
291. Crisfield		245A	
292. Pocomoke City	273	273, 293A	
293. Salisbury	232A, 288A	232A, 255A, 288A	
293A Selbyville, Delaware		255A	
294. Westernport		224A	
Massachusetts:			
295. Athol		260A	Canada.
296. Great Barrington		251A (1.6 W)	Do.
296A Holyoke*		250A	Do.
297. Newburyport		271A (3.8 NE)	Do.
297A Hampton, New Hampshire		271A (3.2 SW)	Do.
298. Orange		247A (4.1 NW)	Do.
299. South Yarmouth		280A	
299A Brewster		280A	
300. Springfield	226, 234, 271	226, 234, 250A, 271	
300A Enfield, Connecticut		250A	
300B Holyoke*		250A	Canada.
301. Turners Falls		230A	Do.
301A Winchester, New Hampshire*		230A (4.2 W)	
Michigan:			
302. Benton Harbor	260	235A (3.8 SE), 260	Canada.
304. Buchanan		256A (2.9 E)	Canada.
306. Grand Rapids	229, 239, 245, 250, 267, 275, 281, 289	229, 239, 245, 250, 225A (1.4 E), 267, 275, 281, 289	Do.
306A Allegan		255A	Do.
306B Walker		255A	Do.
307. Hartford		279A (4.5 W)	Do.
309. Kalamazoo	271, 293, 299	223A, 271, 293, 299	Do.
310. Kingsford		255A	Do.
312. Muskegon	283, 295	283, 295, 300A	Do.
314. Portage		243A	Do.
315. Saginaw	251, 292A, 296A	251, 283A, 292A, 296A	Do.
315A Carrollton		283A	Canada.
315B Essexville		283A	Do.
316. Vassar		247A (1.1 NE)	Do.
316A Standish		247A	Do.
316B Essexville		247A	Do.
317. Wurtsmith		237A	Do.
317A Oscoda		237A	Do.
Minnesota:			
318. Babbitt		294A (3.2 NE)	Canada.
319. Caledonia		234A	
321. Granite Falls		234A	
323. Jackson		289A	
324. La Crescent		274A	
325. Lakeville		289A (4.1 N)	
325A&B Minneapolis	229, 246, 253, 258, 262, 267, 275	229, 246, 253, 258, 262, 267, 275, 289A	
325C Eden Prairie		289A	
325D Bloomington		290A (2.4 SE)	
326. Le Sueur		241A (4.5 NW)	
327. Mora		237A (0.3 NE)	Canada.
328. New Prague		238A (4.8 SW)	
330. Sleepy Eye		287A (2.7 S)	
332. Springfield		297A (0.5 E)	
333. Staples		234A	Canada.
334. Stewartville		235A	
335. Tracy		286A	
336. Two Harbors		282A	Canada.
Mississippi:			
338. Bay St. Louis		233A (3.7 N)	
338A Long Beach		233A (7.1 SW)	
339. Belzoni	296A	225A, 296A	
340. Clarksdale	269A, 292A	243A, 269A, 292A	
340A Mound Bayou		243A	
341. Cleveland	224A, 280A	224A, 230A, 280A	
341A Mound Bayou		230A	
342. Columbus	276A, 280A	235C2 (1.0 SE), 276A, 280A	
344. Greenville	250, 264	250, 264, 284C2 (10.4 N)	
345. Greenwood	256	256, 273A	
347. Holly Springs	224A	224A, 235A	
348. Indianola	288A	277A, 288A	
349. Laurel	262, 272A	251A (4.8 SW), 262, 272A	
350. Lexington	292A	271A, 292A	
351. Lucedale		295A	
354. Meridian	246, 267	236A, 246, 267	
355. Monticello		271A (1.4W)	
356. Natchez	236	236, 247A (0.4 NE)	
361. State College		282A	
362. Vicksburg	254, 294	254, 266A (0.6 E), 294	
363. Water Valley		268A (2.8 E)	
364. Wiggins		250A	
365. Yazoo City	221A	221A, 229, (4.6 W)	
Missouri:			
366. Ava		258A	
366A Willard*		258A	
367. Bonne Terre		282A	
367A Desoto		283A	

REVISED LIST OF COMMUNITIES AND COUNTERPROPOSALS—Continued

City	Channel No.		Concurrence required
	Present	Proposed	
368. Cameron		223A	
368A Richmond*		223A	
369. Chaffee		284A	
370. Charleston		291A (0.6 NE)	
371. Cuba		291A (1.4 N)	
372. East Prairie		287A	
378A Kirksville [5]	228A, 233	222A (4.9 NW), 228A, 233	
376. Lamar		258A (4.9 E)	
376A Willard*		258A	
379. Mt. Vernon		294A	
379A Republic		294A	
380. Perryville		294A (0.1 E)	
380A Woodlawn,* Illinois		294A (2.9 N)	
383. Southwest City		263A	
383A Bella Vista, Arkansas		263B1 (2.4 W)	
383B Cassville		263A	
383C Sparta		263B (7.8 E)	
384. St. James		258A (0.7 SW)	
385. Warrenton		260A (2.1 SE)	
386. Washington		283A (5.0 SE)	
Montana:			
387. Columbia Falls		240A	Canada.
388. Conrad		229A	Do.
389. West Yellowstone		243A	
Nebraska:			
392. Omaha	222, 231, 241, 253, 260, 264, 283	222, 231, 236A, 241, 253, 260, 264, 283	
393. Plattsmouth		289A	
395. West Point		300 A (0.3 NE)	
Nevada:			
396. Hawthorne		229A	
New Hampshire:			
397. Farmington		293A (2.3 SW)	Canada.
398. Lebanon		230A	Do.
398A Winchester*		230A (4.2 W)	Do.
399. Somersworth		254A (0.2 SW)	Do.
New Jersey:			
400. Atlantic City	236, 240A, 245, 279	236, 240A, 245, 279, 297B1 (3.2 S)	
401. Beachwood		253A (3.9 W)	
401A Ocean Acres		253A	
402. North Cape May		230A (3.9 SW)	
403. Vilias		254A	
404. Wildwood Crest		222A (2.0 E)	
405. Woodbine		225A	
405A Margate		225A (5.7 S)	
405B Smyrna, Delaware		225A (4 E)	
New Mexico:			
406. Alamogordo	232A, 288A	232A, 240A, 288A	Mexico.
407. Albuquerque	222, 227, 231, 242, 258, 262, 277, 300	222, 227, 231, 242, 258, 262, 267A (4.4 SW), 277, 300	
407A Los Lunas	272A	267C2 (5.9 SW), 272A	
408. Carlsbad	221A, 281	221A, 258A, 281	Mexico.
409. Clovis	256, 260, 298	256, 260, 268A, 298	
410. Farmington	225, 245, 271	225, 239A, 245, 271	
411. Gallup	229, 233, 256	229, 233, 241A, 256	
412. Grants	237A	237A, 250A	
413. Las Vegas	265A	265A, 271A	
414. Roswell	235, 286, 283	229A, 235, 246, 263	Mexico.
415. Santa Fe	238, 247, 281, 286, 290	238, 247, 270A (1.8 W), 281, 286, 290	
416. Silver City	224A	224A, 233A	Mexico.
417. Taos	269A	233A, 269A	
418. White Rock		268A (1.1 NE)	
New York:			
419. Arlington		241A	
420. Avon		227A (3.8 N)	Canada.
420A Irondequoit		227A	Do.
421. Boonville [6]			
422. Canajoharie [6]			
424. Catskill		286A	Canada.
425. Center Moriches		241A (2.6 N)	
426. Clyde		229A	Canada.
428. Dansville		230A (1.0 SW)	Do.
429. Delhi		262A	Do.
429A Susquehanna, Pennsylvania		262A	Do.
432. Fort Plain		266A (0.3 N)	Do.
433. Fredonia		243A (4.5 SW)	Do.
435. Homer		241A	Do.
435B Ridgebury, Pennsylvania		241A	
436. Hoosick Falls		248A (5.0 SE)	Canada.
437. Mechanicville		267A (1.4 NE)	Do.
438A&B Stillwater		267A	Do.
438. New Paltz		247A (4.7 SW)	Do.
438A Sharon, Connecticut		247A	
438B Salisbury, Connecticut		247A	
438C Litchfield, Connecticut		247A (2.6 N)	
439. Palmyra		259A	Canada.
439A Sodus		259A	Do.
440. Phoenix		271A (0.8 SE)	Do.
441. Plattsburgh	260	260, 294A (3.2 E)	Do.
442. Poughkeepsie	221A, 268, 284	221A, 268, 284, 297A (4.2 W)	Do.
442A Highland		297A	Do.
443. Ravena		242A	Do.

REVISED LIST OF COMMUNITIES AND COUNTERPROPOSALS—Continued

City	Channel No.		Concurrence required
	Present	Proposed	
444. Rochester	223, 243, 250, 255, 263, 267, 280A	223, 243, 250, 255, 263, 267, 274A (3.0 NE), 280A	Do.
444A Webster		274A (1.1 NW)	
446. Syracuse	226, 233, 265A, 275, 300	226, 233, 265A, 275, 290A (1.6 W), 300	Canada.
447. Utica	245, 254, 282, 297	245, 254, 263A, 282, 297	Do.
448. Warrensburg		230A (3.7 NE)	Do.
449. Waterloo		253A (3.2 SE)	Do.
450. Whitehall		234A	Do.
North Carolina:			
451. Camp LeJeune		266A (2.7 SE)	
452. Elizabethown		289A	
453. Fairbluff		299A (0.7 NE)	
454. Jacksonville	221A, 288A	221A, 254A, 288A	
455. Louisburg		273A	
456. Marshall		282A	
456A Old Fort		282A	
457. Murphy		282A	
458. New Bern	270, 293	231A, 270, 293	
458A Bayboro		231A	
459. Raleigh	234, 241, 268	234, 241, 268, 275A (2.6 E)	
459A Cary		275A (6.9 NE)	
460. Rocky Mount	221A, 264	221A, 253A (3.2 S), 264	
461. Rose Hill		284A	
462. St. Pauls		295A (5.0 E)	
463. Warrenton		297A (4.6 N)	
464. Wilmington	247, 260, 265A, 274	247, 260, 265A, 274, 287A	
464A Wrightsville Beach		287A	
465. Windsor	249A	249A, 255A	
465A Gaston*		255A	
North Dakota:			
466. Beulah		250A	Canada.
467. Langdon		239A	Do.
Ohio:			
468. Ada		226A	Do.
469. Barnesville		271A (0.8 SW)	Do.
470. Coal Grove		246A	
471. Columbus	222, 234, 242, 246, 250, 259, 285A	222, 234, 242, 246, 250, 255A, 259, 285A	Do.
471A Upper Arlington		255A (3.5 SE)	Do.
472. Crestline		254A (0.3 SW)	Do.
472A Mt. Gilead		254A	Do.
472B Grove City		254B1 (8.6 NW)	Do.
473. Crooksville		297A	Do.
474. Delaware		300A	Do.
475. Delta		297A (2.8 N)	Do.
476. Edgewood		273A (1.5 S)	Do.
477. Gibsonburg		241A (2.0 W)	Do.
477A. Marblehead		241A	Do.
478. Greenfield		248A	Do.
480. Lima	249A, 271, 285A	249A, 271, 285A, 298A (2.4 SE)	Do.
480A Fort Shawnee		298A (1.8 SE)	Do.
481. Loudonville		299A	Do.
482. Loveland		247A (0.3 NE)	Do.
482A Trotwood*		247A (1.4 SE)	Do.
482B Lebanon		247A	Do.
483. Mansfield	287, 291	239A (1.9 S), 287, 291	Do.
484. Marysville		289A	Do.
485. Montpelier		283A (3.5 S)	Do.
485A Spring Arbor, Michigan		283A	Do.
486. North Baltimore		300A	Do.
487. Nelsonville		299A	Do.
488. Oak Harbor		247A	Do.
489. Paulding		259A	Do.
490. Ripley		258A	Do.
491. Shadyside		239A	Do.
491A Moundsville, West Virginia	288A	209A, 288A	Do.
492. St. Marys		277A	Do.
493. Swanton		293A	Do.
494. Troy		245A (2.9 SW)	Do.
494A Trotwood*		247A (1.4 SE)	Do.
495. Uhrichsville		260A (3.9 NW)	Do.
495A Byesville		260A (1.9 W)	Do.
496. Union City		248A (0.1 E)	Do.
496A. Trotwood*		247A (1.4 SE)	Do.
497. Wauseon		245A	Do.
498. Willard		245A (4.7 S)	Do.
498A Huron		245A	Do.
Oklahoma:			
500. Antlers		282A	
501. Bixby		287A	
502. Commerce		259A	
503. Cordell	257A	229A, 257A	
505. Heavener		223A	
506. Holdenville		286A (4.3 SW)	
507. Hollis		249A	
507A El Dorado		249A (1 W)	
508. Lawton	237A, 251, 268	237A, 251, 268, 297C2 (6.8 SE)	
509. Lindsay		286A	
511. Tishomingo		289A	
512. Wagoner		271A	
514. Wilburton		279A	

REVISED LIST OF COMMUNITIES AND COUNTERPROPOSALS—Continued

City	Channel No.		Concurrence required
	Present	Proposed	
Oregon:			
515. Altamont		300C1	
516. Milton-Freewater		250A	
517. Myrtle Point		231A	
518. Nyssa		254A	
519. Oakridge		221A (1.2 SE)	
520. Reedsport		221A	
521. Seaside		234A	Canada.
522. Sutherlin		266A	
Pennsylvania:			
523. Barnesboro		278A (2. N)	Canada.
524. Berwick		278A (2.1 NW)	Do.
524A Tunkhannock		276A	Do.
526. Curwensville		223A	Do.
527. Edinboro		250A (4.8 NW)	Do.
528. Erie	260, 272A, 279, 292A	235A, 260, 272A, 279, 292A	Do.
529. Everett		298A (2.8 N)	Do.
530. Johnsonburg		277A (3.1 SE)	Do.
531. Lewisburg		242A	Do.
532. Lykens		263A	Do.
532A Elizabethville		263A	Do.
533. Masontown		295A (4.6 SW)	Do.
534. McConnellsburg		279A	
535. Mexico		223A	Canada.
536. Meyersdale		227A	Do.
537. Millersburg		255A (3.7 N)	Do.
538. Mount Carmel		259A (2. N)	Do.
539. Mount Union		258A	Do.
540. Northumberland		297A (1.5 NE)	Do.
541. Oliver		235A (1.8 E)	Do.
541A Republic		235B1 (9 S)	Do.
542. Patton		230A (3.4 NW)	Do.
543. Philipsburg		290A (4.5 N)	Do.
544. Port Allegany		235A	Do.
545. Portage		289A	Do.
546. Renovo		226A	Do.
547. Reynoldsville		293A	Do.
548. Scranton	267, 285A, 296A	258A (2.1 NW), 267, 285A, 296A	Do.
549. Shenandoah	288A	288A, 300A (2.3 NW)A	Do.
549A Toby hanna		300A	Do.
549B Pocono Summit		300A (1.9 NW)	Do.
549C Olyphant		300A	Do.
549D Mt. Pocono		300A (3.2 E)	Do.
550. Spangler		226A	Do.
Rhode Island:			
552. Wakefield-Peacedale		274A (4.3 W)	
552A Narragansett		274A (3.8 S)	
South Carolina:			
553. Bishopville		229A (0.5 SE)	
554. Charleston	236, 245, 278	236, 245, 264A, (3.3 NE), 278	
555. Clinton		277A (4.5 N)	
555A Woodruff		277A (5.7 N)	
555B Greer		277A (6.5 SE)	
556. Conway	281	229A (2.4 S), 281	
556A Murrell's Inlet		229A	
557. Georgetown	249A, 292A	231A, 249A, 292A	
557A Pawley's Island		231A	
558B Johnsonville [7]		271A (0.4 NE)	
559. Kershaw		291A (2.9 E)	
560. Kingstree	252A	252A, 286A (4.5 SE)	
560A St. Stephen		286A	
560B Pamplico		286A (6.6 S)	
560C Pawley's island		287A (2.5 SW)	
561. Loris		290A	
562. Marion	232A	232A, 263A	
563. New Ellenton		274A (3.8 NE)	
564. Orangeburg	280A, 294	275A (0.9 W), 280A, 294	
558A Pamplico [8]		271A	
565. St. Matthews		230A (0.7 SE)	
565A Elloree		230A	
566. Sumter	267	234A, 267	
567. Walterboro	265A	265A, 287A (2 S)	
568. Williston		234A	
South Dakota:			
569. Canton		273A	
569A Rock Valley, Iowa		273A	
572. Mission		264A	
573. Pine Ridge		243A	
574. Redfield	279	256A, 279	
Tennessee:			
575. Celina		229A	
577. Jackson	276A, 281	268A, 276A, 281	
578. Jellico		294A	
579. Knoxville	248, 278, 299	248, 278, 283A (1.1 S), 299	
580. Loudon		256A (2.4 NE)	
581. Mountain City		264A	
581A West Jefferson, North Carolina		264A (3.8 W)	
581B&C Banner Elk, North Carolina		264A	
581D Patterson, North Carolina		264A (1.9 N)	
581E Colonial Heights		264C2 (3.8 SE)	

REVISED LIST OF COMMUNITIES AND COUNTERPROPOSALS—Continued

City	Channel No.		Concurrence required
	Present	Proposed	
582. Parsons		247A (4.2 SE)	
583. Ripley	237A	231A (4.5 NE), 237A	
584. Rockwood		230A	
584A&B Crab Orchard		230A	
585. Rogerville		290A	
585A Surgoinsville		290A	
586. Selmer	288A	230A, 288A	
587. Spring City		281A (4.6 SW)	
587A Calhoun		281A (2.4 NW)	
587B Graysville		281A (5 NE)	
588. Tazewell		231A	
588A Harrogate		231A	
589. Wartburg		254A	
589A Spencer		254A	
Texas:			
590. Abilene	257A, 264, 286, 300	223C2 (5.1 SW), 257A, 264, 286, 300	
591. Beaumont	231, 236, 248, 300	231, 236, 248, 273C2 (6.9 W), 300	
592. Beeville	285A	223A, 285A	Mexico.
593. Bowie		264A	
594. Bryan	252A, 285A	241C2 (12 NE), 252A, 285A	
594A Navasota		241A	
594B Madisonville		241C2 (13.3 SW)	
595. Cameron	276A	276A, 282A (1.0 NE)	
596. Carrizo Springs	228A	221A, 228A	Mexico.
597. Clarksville		222A	
598. Corpus Christi	230, 238, 243, 256, 260	230, 234A, (4.9 N), 238, 243, 256, 260	Mexico.
598A Robstown		234A (1.6 N)	Do.
599. Daingerfield		282A	
599A Pittsburg		282A	
600. Del Rio	232A, 242	232A, 242, 255A	Mexico.
601. Eagle Pass	224A	224A, 229A (2.1 N)	Do.
602. Edna		269A	
603. Electra		245A	
604. Elgin		291A (4.2 N)	
605. Friona		238A	
608. Hondo		290A (3.2 S)	Mexico.
609. Jacksboro		229A	
609A Muenster		229A	
610. Jefferson		295A	
611. Killeen	227, 288A	227, 288A 297A (0.2 NE)	
611A Nolanville		297A	
612. Laredo	224A, 235, 251	224A, 235, 251, 266A	Mexico.
613. Longview	289	247A, 289	
614. Midland	222, 227, 274, 297	222, 227, 277, 290A, 294	Mexico.
614A Stanton		290A	Mexico.
616. Odessa	245, 250, 256	245, 250, 256, 300C1 (17.4 S)	Do.
617. Palacios		264A (1.5 E)	Do.
618. Pearsall	237A	231A, 237A	Do.
619. Pecos	252A	229A, 252A	Do.
620. Plainview	247, 280A	247, 280A, 289A	
621. Port Isabel		266A	Mexico.
622. Post		290A	
623. Raymondville	269A	269A, 289A (1.5 NE)	Mexico.
624. Rockdale		255A	
625. San Angelo	225, 230, 234, 248, 254, 298	225, 230, 234, 248, 254, 270C1, 298	Mexico.
626. San Augustine		260A	
627. San Diego		290A	Mexico.
628. Tahoka		253A (1. SW)	
630. Tyler	221A, 226, 268	221A, 226, 268, 297C2 (9. S)	
631. Uvalde	272A, 285A	223A, 272A, 285A	Mexico.
631A Campwood		223A	Mexico.
632. Victoria	236, 254, 300	236, 254, 291A, 300	Do.
632A Bloomington		291A	Do.
633. Wichita Falls	225, 260, 277, 292A	225, 236A, 260, 277, 292A	
Utah:			
636. Nephi		223A	
636A Payson		223C2	
637. Roosevelt		228A	
635A Torrey [9]		253 (8.9 S)	
Virginia:			
638. Bedford		290A (1.8 SE)	
639. Bridgewater		290A	Quiet Zone.
640. Broadway		243A	Do.
641. Charlottesville	224A, 237A, 248	224A, 237A, 241A, 248	Do.
641A Ruckersville		241A (3.4 W)	
642. Chase City		260A	
643. Chesapeake-Portsmouth-Virginia Beach	235	235, 271A (1.1 SW)	
644. Churchville		295A	Quiet Zone.
645A. Coeburn [10]		259A	
646. Emporia		250A (4.8 E)	
646A Gaston, North Carolina		250A (2.8 E)	
647. Exmore	298	291A, 298	
648. Gloucester Point		256A (0.6 W)	
648A Gloucester		256A (0.5 N)	
649. Lawrenceville	288A	255A, 288A	
649A Alberta		255A	
649B Gaston, North Carolina*		255A	
650. Lynchburg	252A, 261A, 269A	227A, (3.9 NE), 252A, 261A, 269A	
651. Mount Jackson		229A	Quiet Zone.
652. Narrows		267A (3.2 NE)	

REVISED LIST OF COMMUNITIES AND COUNTERPROPOSALS—Continued

City	Channel No.		Concurrence required
	Present	Proposed	
653. Petersburg	237A, 257A	237A, 257A, 262A (4 E)	
654. Richmond	233, 251, 271, 279, 293	233, 251, 266A, 271, 279, 293	
655. Roanoke	222, 235, 256	222, 235, 256, 273A (1.4 W)	
655A Christiansburg		273A (1.5 N)	
655B Vinton		273A (1.4 N)	
656. Saltville		291A (3 SW)	
657. South Boston	248	248, 294A (1.6 NE)	
657A Semora, North Carolina		294A (6.1 NE)	
658. West Point		300A	
Washington:			
659. Camas		234A (4.8 N)	Canada.
660. Dayton		223A	Do.
661. Medical Lake		233A	Do.
661A Hayden, Idaho		233A	Do.
662. Yakima	233, 252A, 257A, 281, 297	233, 252A, 257A, 281, 289A (3.2 NW), 297	Do.
662A Naches		289A	Do.
West Virginia:			
663. Bridgeport		289A	
664. Charleston	241, 248, 260, 265A, 274	223A (1.7 NW) 241, 248, 260, 265A, 274	
664A Danville		223A	
665. Fisher		298A	Quiet Zone.
666. Mannington		274A	Canada.
667. Matewan		293A	
667A Inez, Kentucky		293A	
668. Mount Gay-Shamrock		234A (4 NW)	
669. Point Pleasant		258A	Canada.
670 Salem		238A	Do.
671. White Sulphur Springs		263A	Quiet Zone.
Wisconsin:			
672. Algoma		243A	Canada.
673. Auburndale		260A	
673A Rudolph		260A	
673B&C Nekoosa		260A	
674. Black River Falls		259A	
675. Bloomer		291A (3.SW)	
677. Brillion		242A	
678. Columbus		263A (3.6 NW)	
678A Wautoma		263A	
679. Evansville		290A (4 SE)	
680. Mayville		259A (2.1 NE)	
681. Oconomowoc		283A (3.9 SW)	
681A Harvard, Illinois		283A (2 NW)	
681B Lake Geneva		283A (1.1 NW)	
681C&D Delavan		283A	
681E Whitewater		283A (2.5 SE)	
681F Seymour		281A (6.3 N)	
681G Elkhorn		283A	
684. Plymouth		282A	
Wyoming:			
685. Kemmerer		297A	
Puerto Rico:			
286. Naguabo		247A	
686A&B&C Rio Grande		247A	
686D Arroyo		247A (3.5 SE)	

[1] Another counterproposal has been accepted for Gulf Shores for Channel 290A.
[2] Upon further engineering analysis, the staff has determined that this channel (254A) is unavailable for use at Winfield. We have been unable to find an alternate channel. However, we would consider reply comments on the possible availability of channels at Winfield.
[3] The counterproposal for Basile was filed in conflict with a propopsal for Crowley, Louisiana. Since no party filed comments stating an interest in applying for a channel at Crowley, that community has been removed from the list.
[4] The counterproposal for Coushatta was filed in conflict with a proposal for Mansfield, Louisiana. Since no party filed comments stating an interest in applying for a channel at Mansfield, that community has been removed from the list.
[5] The counterproposal for Kirksville was filed in conflict with a proposal for Marceline, Missouri. Since no party filed comments stating an interest in applying for a channel at Marceline, that community has been removed from the list.
[6] The proposals for Boonville and Canajoharie, New York will be treated in a separate proceeding involving Deposit (RM–4661), Sidney (RM–4707) and Frankfort (RM–4737), New York.
[7] The counterproposal for Johnsonville was filed in conflict with a proposal for Himingway, South Carolina. Since no party filed comments stating an interest in applying for a channel at Hemingway, that community has been removed for the list.
[8] The counterproposal for Pamplico was filed in conflict with a proposal for Hemingway, South Carolina. Since no party filed comments stating an interest in applying for a channel at Hemingway, that community has been removed from the list.
[9] The counterproposal for Torrey was filed in conflict with a proposal for Delta, Utah. Since no party filed comments stating an interest in applying for a channel at Delta, that community has been removed for the list.
[10] The counterproposal for Coeburn was filed in conflict with a proposal for Clincho, Virginia. Since on party filed comments stating an interest in applying for a channel at Clincho, that community has been removed for the list.

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

Appendix

The following counterproposals are in conflict with more than one community. Each such counterproposal is indicated with an asterisk in the proposed Table. The number of the main community is shown in parentheses. Unless otherwise indicated, all cities are in the same state.

Gulf Shores, Alabama (Channel 290A and 291A)

Mobile (12)
Pensacola, Florida (118)

Lineville, Alabama (Channel 248A)

Talladega (15)
Hogansville, Georgia (131)

Oxford, Alabama (Channel 247C2)

Alabaster (1)
Anniston (2)
Talladega (15)
Tallassee (16)

Pell City, Alabama (Channel 247A)

Alabaster (1)
Tallassee (16)

Rockford, Alabama (Channel 247A)

Alabaster (1)
Talladega (15)
Tallassee (16)

Shafter, California (Channel 263B1)

Bakersfield (56)
Earlimart (63)

Omega, Georgia (Channel 298A)

Tallahassee, Florida (120)
Lakeland (133)

Carrier Mills, Illinois (Channel 283A)

McLeansboro (167)
Pinckneyville (174)

Woodlawn, Illinois (Channel 294A)

Nashville (168)
Perryville, Missouri (380)

Charlestown, Indiana (Channel 287A)

Austin (180)
Sheperdsville, Kentucky (251)

Holyoke, Massachusetts (Channel 250A)

Grant Barrington (296)
Springfield (300)

Richmond, Missouri (Channel 223A)

Kansas City, Kansas (224)
Cameron (368)

Willard, Missouri (Channel 258A)

Ava (366)
Lamar (376)

Winchester, New Hampshire (Channel 230A)

Turners Falls, Massachusetts (301)
Lebanon (398)

Gaston, North Carolina (Channel 255A)

Windsor (465)
Lawrenceville, Virginia (649)

Trotwood, Ohio (Channel 247A)

Loveland (482)
Troy (494)
Union City (496)

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47 CFR Part 73

[MM Docket No. 84-751; RM-3799; FCC 84-359]

Amendment of the Commission's Rules To Permit Measurement of Operating Power Using Direct Reading Instrumentation

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes Rule changes: (1) To permit direct reading power meters for AM transmitters; and (2) to provide an economical calibration procedure for FM and aural TV transmitter power meters.

This action is taken by the Commission in its efforts to relax restrictive regulations and policies and to accommodate new measurement technologies.

The proposed Rule changes are intended to provide broadcasters more flexibility and choice in the measurement of operating power.

DATES: Comments due by October 9, 1984, and Reply Comments due by November 8, 1984.

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

FOR FURTHER INFORMATION CONTACT: Hank VanDeursen, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcast, Television.

Notice of Proposed Rulemaking

In the matter of amendment of Part 73 of the Commission's Broadcast Rules to permit measurement of operating power using direct reading instrumentation; MM Docket No. 84-751, RM-3799.

Adopted: July 26, 1984.
Released: August 2, 1984.

By the Commission.

1. This proceeding considers the elimination of certain restrictions in the way broadcast stations measure their operating powers. Specifically, the Commission proposes to allow the use of direct reading radio frequency (RF) power meters at AM stations, relax reporting procedures involving antenna system changes for AM stations, and permit more flexible calibration procedures for RF power meters used for FM and aural TV transmitters.

2. Maintenance of authorized power levels is particularly important in the Commission's regulatory scheme in that it protects all stations from mutual harmful interference. The proposed changes will provide sufficient measurement accuracy needed to insure continued interference protection afforded by the Commission's Rules, and allowing broadcasters additional freedom in the selection of a measurement technique.

3. Under present Rules, operating power may be measured by either "direct" or "indirect" methods:

(a) *Direct Method*—The direct method used by AM stations requires that the antenna resistance [1] be measured at the operating frequency, and the antenna current be measured at the same physical point. Operating power (P) is calculated by multiplying the antenna resistance (R) by the square of the antenna current (I), i.e. $P=^2 \times R$. The direct method, employed by FM and TV stations, requires the use of a transmission line meter that has been calibrated to indicate output power by using an RF wattmeter of known accuracy.

(b) *Indirect Method*—The indirect method requires that an assumed transmitter efficiency factor (F) be applied to the product of the transmitter final plate voltage (E) and current (I); i.e. $P=E \times I \times F$. This method is the same for AM, FM, and TV stations.

4. Generally, AM stations must use the direct method to determine operating power.[2] FM stations may use either the direct or indirect method. Howerever, most stations use the indirect method because it does not require calibration of the transmission line power meter with a wattmeter of know accuracy.

Proposal 1: Direct Reading AM Power Meter

5. Directional Electronics (Directional) has filed a petition for Rule Making to permit AM stations to use a direct reading RF power meter. The instrument directly measures the operating power of AM stations, eliminating the need to calculate the power or rely on the measured antenna resistance. The device designed by Directional utilizes a sensor inserted in the transmission line between the transmitter and antenna. A digital display on the instrument indicates operating power in kilowatts, derived from the sampled RF voltage (E), RF current (I), and phase angle (A) using the equation $P=E \times I \times \cos(A)$. In addition, this instrument also can display the reactance and resistance at the point of measurement. Directional claims that the accuracy of their instrument is ±2% of the actual power. Additional, non-technical personnel can make accurate operating power determinations using this type of instrument, since no calculations are involved.

6. Measurements using the directional instrument were conducted at AM Station WBRJ, Marietta, Ohio, and were reported to be in close agreement with the power calculated using the direct

[1] The antenna resistance (or common point resistance for a directional array system) is measured at the time the station is constructed. The parameter must be re-measured only if the antenna is overhauled, modified, or if it is suspected that the resistance has changed.

[2] When the station's antenna system or antenna metering devices are being modified or repaired, the indirect method may be used.

method. Therefore, this type of instrument appears to be capable of providing reliable and accurate power measurements, and seems to offer advantages over present methods. Comments are requested on the proposed Rules that would allow the use of direct reading instruments to determine the operating power at AM broadcast station in addition to present methods.[3]

Proposal 2: Relaxed Calibration of FM and Aural TV Transmission Line Power Meters

7. The Rules currently permit the operating powers of FM and aural TV transmitters to be determined by the "indirect method" while operating the transmitter into the antenna system, however this method requires calculations. Once these calculations have been made, it seems reasonable to permit that power level to be used to calibrate the direct reading transmission line power meter. We believe this method should provide a sufficiently accurate calibration of the power meter, and the method should yield the same accuracy as the indirect method.

8. Licensees would be afforded the benefits of using a direct reading power meter without incurring the expense of additional equipment (i.e. dummy load and RF meter) now required for calibration. Comments are requested on the proposed Rules that would allow the "indirect method" calibration of transmission line power meters for FM and aural TV transmitters in addition to present methods. We also request comments on the feasibility of allowing the use of factory calibrated transmission line power meters.

9. *Regulatory Flexibility Act Initial Analysis.*

I. *Reason for action:* The current Rules restrict broadcasters in the choice of methods for determining operating power at AM, FM, and TV stations.

II. *The objective:* The Commission's proposals are designed to provide broadcast licensees more freedom in their choice of operating power measurement procedures.

III. *Legal basis:* Action is proposed in accordance with Sections 303 (g) and (r) of the Communications Act of 1934, as amended, which charges the Commission to encourage the most effective use of radio in the public interest.

IV. *Description, potential impact, and number of small entities affected:* The proposed Rule changes should favorably affect all AM, FM, and TV broadcast licensees (approximately 10,000 total) by relaxing the power measurement Rules. In addition, an unknown number of manufacturers of measurement instruments would be favorably affected through orders for new equipment.

V. *Recording, recordkeeping, and other compliance requirements:* None.

VI. *Federal Rules which overlap, duplicate, or conflict with this Rule:* None.

VII. *Any significant alternatives minimizing impact on small entities and consistent with the stated objective:* The Commission's alternative is to maintain status quo. This alternative would not accomplish the beneficial objectives sought in this *Notice.*

10. The Secretary shall cause a copy of this *Notice of Proposed Rule Making,* including the initial Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advisory of Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. 601 *et seq.*).

11. Accordingly, it is proposed to amend Part 73 of the Commission's Rules as set forth in the attached Appendix. Authority for the action taken herein is contained in sections 4(i), 303 (g) and (r) of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in §§1.415 and 1.419 of the Commission's Rules and Regulations, interested parties may file comments on or before October 9, 1984, and reply comments on or before November 8, 1984. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

13. For purposes of this nonrestrictive Notice and comment Rule Making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments or pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits an *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments on the proceeding must prepare a written summary of that presentation; and, on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR 1.1231.

14. Further information on this proceeding may be obtained by contacting Hank VanDeursen, Technical and International Branch, Policy and Rules Division, Mass Media Bureau, (202) 632-9660.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 73—[AMENDED]

It is proposed to amend Part 73 of the Federal Communications Commission's Rules and Regulations as follows:

1. Section 73.45 would be amended by revising paragraph (c) to read as follows:

§ 73.45 AM antenna systems.

* * * * *

[3] If adopted, the proposed Rule amendments would permit AM stations to determine the transmitter operating power using either the direct method or a direct reading instrument. However, we believe that the Rule requiring measurement of the antenna resistance and reactance over a 50 kHz bandwidth should be retained. This measurement provides an indication of satisfactory antenna performance and stability.

(c) Should any changes be made or otherwise occur which would possibly alter the resistance of the antenna system, the licensee must commence the determination of the operating power by a method described in § 73.51 other than by calculating the product of the licensed antenna or common point resistance and the square of the antenna current. (If the changes are due to the construction of FM or TV transmitting facilities, see §§ 73.315 and 73.685.) Upon completion of any necessary repairs or adjustments, or upon completion of authorized construction or modifications, the licensee must make a new determination of the antenna resistance using the procedures described in § 73.54. Operating power should then be determined by a direct method as described in § 73.51. Notification of the value of resistance of the antenna system must be filed with the FCC in Washington, D.C. as follows:

* * * * *

2. Section 73.51 would be amended by revising paragraphs (a) and (d) to read as follows, and removing paragraphs (d) (1), (2), (3), (4), and (5) in their entirety:

§ 73.51 Determining operating power.

(a) Except in those circumstances described in paragraph (d) of this section, the operating power shall be determined by the direct method. The direct method consists of either:

(1) using a suitable instrument for determining the antenna's input power directly from the RF voltage, RF current, and phase angle; or

(2) calculating the product of the licensed antenna or common point resistance at the operating frequency (see § 73.54), and the square of the indicated unmodulated antenna current at that frequency, measured at the point where the resistance has been determined.

* * * * *

(d) When it is not possible or appropriate to use the direct method of power determination due to technical reasons, the indirect method of determining operating power (see paragraphs (e) and (f) of this section) may be used on a temporary basis. A notation must be made in the station log for each day of using the indirect method of power determination.

* * * * *

3. Section 73.57 would be amended by revising paragraph (g) to read as follows:

§ 73.57 Remote Reading antenna and common point ammeters.

* * * * *

(g) If a malfunction affects the remote reading indicators of the antenna or common point ammeter, the operating power may be determined by a method using alternative procedures as described in §73.51.

* * * * *

4. Section 73.58 would be amended by revising paragraph (b) to read as follows:

§ 73.58 Indicating instruments.

* * * * *

(b) A thermocouple type ammeter or other device capable of providing an indication of radio frequency current, meeting the requirements of § 73.1215, shall be installed at the base of each antenna element.

* * * * *

5. Section 73.67 would be amended by revising paragraph (a)(3) to read as follows:

§ 73.67 Remote control operation.

(a) * * *

* * * * *

(3) A malfunction of any part of the remote control system resulting in improper control shall be cause for the immediate cessation of operation by remote control. A malfunction of any part of the remote control system which results in inaccurate meter indications used in determining operating power or directional antenna performance shall be cause for the termination of use of the remote control no longer than 1 hour after the malfunction is detected. If the malfunction only affects the indications of the operating power by the direct method, the operating power may be determined by the indirect method using the procedures described in § 73.51.

* * * * *

6. Section 73.142 would be amended by revising paragraph (b)(1) to read as follows:

§ 73.142 Automatic transmission system facilities.

* * * * *

(b) * * *

(1) The control system must have devices to monitor and control the operating power by a device which measures power by the direct method as described in § 73.51(a). The indirect method of power determination may also be used on a temporary basis under the provisions of §73.51 if the system has devices to monitor and control the operting power by that method.

* * * * *

7. Section 73.186 would be amended by revising paragraph (a)(6) to read as follows:

§ 73.186 Establishment of effective field at one mile.

(a) * * *

* * * * *

(6) The antenna power of the station shall be maintained at the authorized level during all field measurements. The power determination will be made using the direct method as described in § 73.51(a) with instruments of acceptable accuracy specified in §73.1215.

* * * * *

8. Section 73.267 would be amended by revising paragraph (b) as follows:

§ 73.267 Determing operating power.

* * * * *

(b) *Direct method.* The direct method of power determination for an FM station uses the indications of a calibrated transmission line meter (responsive to relative voltage, current, or power) located at the RF output terminals of the transmitter. This meter must be calibrated whenever there is any indication that the calibration is inaccurate or whenever any component of the metering circuit is repaired or replaced. The calibration must cover, as a minimum, the range from 90% to 105% of authorized power. The meter calibration may be checked by measuring the power at the transmitter terminals while either:

(1) Operating the transmitter into the transmitting antenna, and determining actual operating power by the indirect method described in § 73.267(c); or

(2) Operating the transmitter into a dummy load and using an electrical device (within ±5% accuracy) or temperature and coolant flow indicator (within ±4% accuracy) to determine the power.

* * * * *

9. Section 73.663 would be amended by revising introductory paragraph (c) and removing paragraphs (c)(1), (2), and (3) in their entirety:

§ 73.663 Determining operating power.

* * * * *

(c) *Director method, aural transmitter.* The direct method of power determination for the aural transmitter uses the indications of a calibrated transmission line meter (responsive to relative voltage, current, or power) located at the RF output terminals of the transmitter. This meter must be calibrated whenever their is any indication that the calibration is inaccurate or whenever any component of the metering circuit is repaired or replaced. The calibration must cover, as a minimum, the range from 80% to 110% of authorized power. The meter

calibration may be checked by measuring the power at the transmitter terminals while either:

(1) Operating the transmitter into the transmitting antenna, and determining actual operating power by the indirect method described in § 73.663(d); or

(2) Operating the transmitter into a dummy load and using an electrical device (within ±5% accuracy) or temperature and coolant flow indicator (within ±4% acuracy) to determine the power.

* * * * *

[FR Doc. 84-20950 Filed 8-7-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Parts 81, 83 and 87

[PR Docket No. 84-760; FCC 84-375]

Amendment of the Commission's Rules Concerning Requirements for Restricted Radiotelephone Operator Permits

AGENCY: Federal Communications Commission.

ACTION: Proposal rule.

SUMMARY: This document proposes rule amendments concerning requirements for the Restricted Radiotelephone Operator Permit (RP) in the Aviation and Maritime Services. The purpose of this proposal is to relieve the public from unnecessary permit requirements. The effect of the proposed amendments is to minimize the requirement for the RP.

DATES: Comments must be received on or before September 7, 1984 and reply comments must be received on or before September 24, 1984.

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

FOR FURTHER INFORMATION CONTACT: Robert P. DeYoung, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION: .

List of Subjects

47 CFR Part 81

Coast stations, Telegraph, Telephone.

47 CFR Part 83

Ship stations, Telegraph, Telephone.

47 CFR Part 87

Aeronautical stations, Radio.

Notice of Proposed Rule Making

In the Matter of amendment of parts 81, 83 and 87 of the rules concerning requirements for Restricted Radiotelephone Operator Permits.; (PR Docket No. 84-760; FCC 84-375).

Adopted: July 30, 1984.

Released: August 1, 1984

By the Commission.

1. By this Notice the Commission proposes to amend Parts 81, 83 and 87 of the rules concerning requirements in the Aviation and Maritime services for the Restricted Radiotelephone Operator Permit (RP). Our intent is to eliminate the requirement for the RP except where it is required by statute or treaty. By doing this, the Commission will relieve the public of the unnecessary burden of applying for the permit and save the Commission the costs of issuing it.

2. Currently, the RP is routinely issued to anyone who files a Form 753 and certifies to the very general requirements of Part 1 of the form. The applicant need only certify that he or she can speak and hear, is familiar with communications laws, can keep a log and is eligible for employment. The RP is issued for life. In the Private Radio Services it is only required in the Aviation and Marine Services.[1] We believe, however, that many of the applications are submitted by operators in services in which the permit is not required, either out of an excess of caution or for reasons of vanity. Since the present Form 753 does not elicit the applicant's need for the permit, however, it is not possible to quantify these possibilities. If the proposed rule amendments are adopted, we will revise the form to require the applicant to certify a need for the permit.

3. Under current rules, the RP is required under the following circumstances:

a. Coast stations and other land stations in the maritime services:

The RP is required for operation of VHF coast telephone stations, marine fixed stations, marine utility stations and shipyard base stations. (See § 81.152 of the rules.)

b. Ship stations:

(i) The RP is required for operation of the radiotelephone installation required by the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201 *et seq.*, 85 Stat. 164(1971)). (See § 83.158 of the rules.)

(ii) The RP is required for operation of ship telephone stations of not more than 100 watts carrier power, for marine utility stations and for ship earth (satellite) stations.

c. Aircraft and aeronautical stations:

The RP is required for operation of all stations in the Aviation Services except where a higher class of permit is required. (See § 87.133, 87.135, 87.136 and 87.137.)

4. There are circumstances where the RP is not required by the Act, by the international Radio Regulations or by other statutes or treaties. For example, nothing in the international Radio Regulations requires the RP at coast stations. (See Article 56, No. 3979.) In addition nothing in the Bridge-to-Bridge Radiotelephone Act requires an operator permit. Rather, the Commission has imposed this requirement by the rule pursuant to section 8(a) of the Act which confers on the Commission authority to specify technical and operating conditions required by the Vessel Bridge-to-Bridge Act.

5. The RP can be eliminated in a large number of cases. Section 318 of the Act permits the Commission to waive the requirement for an operator's license for any station except stations for which licensed operators are required (1) for safety proposes or (2) by international agreement.

6. With respect to the "safety purposes" test of section 318, it is inapplicable to the RP. None of the stations which can be operated by an RP holder are required for safety purposes. Stations which are required for safety purposes are operated by holders of a higher class permit. Moreover, the controlling consideration is whether a licensed operator is required for a given type of station and not whether the station itself is required for safety purposes.

7. The other test of section 318 is whether the RP is required by international agreement. The governing provisions with respect to this question are contained in Articles 44, 55, and 56 of the International Radio Regulations. In particular, Number 3393 of Article 44 and Number 3861 of Article 55 require that the service of every aircraft (ship) radiotelephone station shall be controlled by an operator holding a certificate issued or recognized by the government to which the station is subject. Numbers 3454 and 3945 for each article respectively permit each administration to fix the conditions for a restricted radiotelephone operator's certificate providing that given frequency or power limitations are met, and that the operation of the transmitter requires only the use of simple external switching devices, excluding all manual adjustment of frequency determining elements, and that the frequency stability is maintained by the transmitter itself.

8. There are two provisions under these articles which permit administrations to dispense with

[1] The RP is also required in the Broadcast Service. See section 318(3) of the Act and the *First Report and Order* in Docket 20817, 44 FR 1733, 70 FCC 2d 2317, 2372 (1979). This notice is limited to discussion of RP's issued to licensees in the Aviation and Marine Services.

permits on aircraft and ship stations entirely. These provisions are Number 3395 in Article 44 and Number 3864 in Article 55. They permit governments to decide for themselves whether to require permits for aircraft and ship stations operating on frequencies above 30 MHz provided these frequencies are not "assigned for international use."

9. No aircraft station on domestic flights and relatively few ship stations which can be operated by the holder of an RP operate on other than VHF frequencies.[2] Ship and aircraft VHF frequencies in the United States are not assigned for international use and an operator permit need not be required.[3]

10. U.S. ships and aircraft on international voyages will operate on VHF frequencies assigned for international use or on frequencies below 30 MHz and would need an RP. Number 3511 of Article 46 and Number 4014 of Article 57 of the Radio Regulations permit foreign inspectors to require production of an operator permit from aircraft and ship stations operating on frequencies assigned for international use. It is the Commission's responsibility to issue an RP to applicants who certify they have such a requirement.

11. Accordingly, we propose to amend Parts 81, 83 and 87 of the Commission's rules as set forth in the attached Appendix.

12. The proposed amendments to the Commission's rules set forth in the attached Appendix are issued under the authority contained in sections 4(i) and 303 (b), (c), (e), (g) and (r) of the Communicatios Act of 1934, as amended.

13. Under procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before September 7, 1984, and reply comments on or before September 24, 1984. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

14. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Rules Reference Room at its headquarters in Washington, D.C.

15. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of the oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which its relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

16. The proposed rules would relieve a large number of applicants of the burden of completing the Form 753. Because the form is very brief, however, the time required to complete it is minimal in each individual case. Consequently, pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), we certify that the proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities.

17. Regarding questions on matters covered in this document, contact Robert DeYoung (202) 632-7175.

18. It is ordered, That a copy of this Notice of Proposed Rule Making shall be sent to the Chief Council for Advocacy of the Small Business Administration.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 81, 83 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are proposed to be amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. Section 81.152 is amended by revising paragraphs (c) and (d) to read as follows:

§ 81.152 Operator required.

* * * * *

(c) Except when licensed operators are not required as set forth in § 81.158 of this subpart, actual operation of transmitting apparatus in any radio station subject to this part shall be performed only by a person holding a commercial radio operator license or permit of the required class, who shall be on duty at an authorized control point of the station and shall be responsible for the proper operation of the station as controlled from that position. The minimum class of radio operator license or permit required for operation of each specific classification of station is set forth in paragraphs (d), (e), and (f) of this section.

(d) Description of station:

	Minimum operator authorization
Pulbic coast telegraph, all classes except.	T-2.
A1 Morse under supervision of T1 or T2.	T-3.
NB-DP under supervision of T1 or T2.	T-3, G or MP.
Coast telephone, all classes, except in Alaska:	
Exceeds 250 watts carrier power or 1,500 watts peak envelope power.	T-2 or G.
250 watts or less carrier power or 1,500 watts or less peak envelope power operating on frequencies below 30 MHz.	T-3, G or MP.

[2] Some voluntarily equipped ships fit with MF and HF radiotelephone. The operators of these ships operate on frequencies assigned for international use and must hold an RP even on domestic voyages.

[3] Such a finding has been made regarding aeronautical enroute frequencies in domestic service, *See Report and Order* in General Docket 82-182, released December 17, 1982, FCC 82-506, 47 FR 56852.

	Minimum operator authorization
Coast telephone in Alaska:	
Exceeds 250 watts carrier power or 1,500 watts peak envelope power.	T-2 or G.
Exceeds 250 watts carrier power or 1,500 watts peak envelope power.	T-3 or G, PM.

* * * * *

2. Section 81.154 is revised to read as follows:

§ 81.154 Limitations applicable to commercial radio operator permits.

With respect to any station subject to this part which the holder of a Radiotelegraph Third Class Operator Permit, a Marine Radio Operator Permit, a Restricted Radiotelephone Operator Permit, or no permit holder may operate, the following provisions shall apply:

(a) The holder of such a permit is prohibited from making any equipment adjustments that may result in improper transmitter operation; and

(b) The operator of the transmitter shall require only the use of simple external switching devices, excluding all manual adjustment of frequency determining elements, and the stability of the frequencies shall be maintained by the transmitter itself within the limits of tolerance specified by § 81.131 or the station license.

3. Section 81.155 is amended by revising paragraph (a) to read as follows:

§ 81.155 Control by operator.

(a) When the station is used for telephony, and when a licensed operator is required, an unlicensed person may, if authorized by the station licensee, speak into a station microphone, which may be located at a dispatch point (see § 81.7(n)). Such operation shall be under the direct supervision and responsibility of the operator on duty at an authorized control point (see § 81.7(m)).

* * * * *

4. Section 81.158 is amended by changing the section heading and by adding a new paragraph (c) to read as follows:

§ 81.158 Activities not requiring an operator authorization.

* * * * *

(c) No operator permit is required to operate coast stations of 250 watts or less carrier power, or 1500 watts or less peak envelope power, or marine fixed, marine utility coast or shipyard base stations.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. Section 83.152 is amended by revising paragraphs (a) and (c) to read as follows:

§ 83.152 Operator required.

(a) Except as provided in § 83.164, and except for voluntarily equipped ships operating VHF on domestic voyages, the actual operation of transmitting apparatus in any radio station in the maritime mobile, maritime mobile-satellite or maritime radiodetermination services on board a ship of the United States shall be performed only by a person holding a commercial radio operator license or permit of the required class. The minimum class of radio operator authorization required for operation of each specific classification of station is set forth in this subpart.

* * * * *

(c) Except for § 83.158, as used in this subpart, "qualified operator," "operator" or "certified person" on a ship of the United States means a person holding a commercial radio operator license or permit of the proper class, as prescribed and issued by the Commission.

2. Section 83.158 is amended by revising the section heading and the text to read as follows:

§ 83.158 Operator required for ships subject to the Bridge-to-Bridge Radiotelephone Act.

Each ship of the United States which in accordance with the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act is equipped with a radiotelephone installation, shall be operated by the master, a person designated by the master, a person in charge of the vessel or a pilot, who shall be in attendance at the principal operating position of the required bridge-to-bridge station while the watch is required.

3. Section 83.159 is revised to read as follows:

§ 83.159 Operator requirements for noncompulsory stations.

Description of station	Minimum operator requirement
Ship telegraph, except direct-printing	T-2.
Ship direct-printing telegraph	MP.
Ship telephone, more than 250 watts carrier power or 1,000 watts peak envelope power.	G.
Ship telephone, not more than 250 watts carrier power or 1,000 watts peak envelope power.	MP.
Ship telephone, not more than 100 watts carrier power or 400 watts peak envelope power.	None.[1]
Ship radar	P.[2]
Ship earth station	RP.

[1] RP required for international voyage.
[2] With ship-radar endorsement.

4. Section 83.161 is amended by revising paragraph (a) to read as follows:

§ 83.161 Control by operator.

(a) Except in the case of voluntarily equipped ship stations operating on VHF on domestic voyages for which no operator permit is required, when a ship station is used for telephony, the operator may, if authorized by the station licensee or the master (the latter acting in this respect as the station licensee's agent), permit an unlicensed person to speak into a station microphone. The operator shall continue to exercise control so as to ensure operation of the station in compliance with the radio law and the rules and regulations of the Commission.

* * * * *

5. Section 83.164 is amended by adding a new paragraph (e) to read as follows:

§ 83.164 Activities not requiring an operator authorization.

* * * * *

(e) Voluntarily equipped ship stations on domestic voyages operating telephony on VHF need not be operated by a licensed operator.

PART 87—AVIATION SERVICES

Section 87.139 is amended by adding a new paragraph (a)(5) to read as follows:

§ 87.139 Operator licenses not required for certain operations.

(a) * * *

* * * * *

(5) Operation of VHF telephony transceivers on domestic flights.

* * * * *

[FR Doc. 84-20951 Filed 8-7-84; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 83

[PR Docket No. 84-759; FCC 84-377]

Amendment To Implement the Second Set of Amendments to the Safety of Life at Sea (SOLAS) Convention of 1974

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a Notice to inform the public and to propose rules implementing treaty amendments adopted by the International Maritime Organization (IMO) at the 48th Session of its Maritime Safety Committee. The amendments

prescribe additional radio equipment to be carried in survival craft.

DATES: Comments must be received on or before October 9, 1984, and Reply Comments must be received on or before November 8, 1984.

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

FOR FURTHER INFORMATION CONTACT: Robert C. McIntyre, Private Radio Bureau (202) 632–7175.

SUPPLEMENTARY INFORMATION: .

List of Subjects in 47 CFR Part 83

Communications equipment, Marine safety, Vessel, Distress.

Notice of Proposed Rule Making

In the matter of amendment of Part 83 of the Commission's rules to implement the second set of amendments to the Safety of Life at Sea Convention of 1974; PR Docket No. 84–759.

Adopted: July 30, 1984.
Released: August 2, 1984.
By the Commission.

Summary

1. We propose to amend Part 83 of the Commission's rules to implement the second set of amendments to the Safety of life at Sea (SOLAS) Convention of 1974 adopted by the International Maritime Organization (IMO). Proposed rules are contained in the Appendix.

SOLAS Convention

2. The 1974 SOLAS Convention was accepted May 25, 1980.[1] replacing the 1960 SOLAS Convention.[2] The 1974 SOLAS Convention incorporated in the annexed regulations all the draft amendments developed during the 1960–1974 period to improve the safety of life at sea. The amendment process was also eased.

3. Under the new articles of the 1974 Convention, amendments adopted by IMO's expanded Maritime Safety Committee (MSC) are effective after a prescribed time without further action by Contracting Governments.[3] The Commission has implemented the first set of amendments to the 1974 SOLAS Convention.[4] The expanded MSC at its Forty-eighth Session (June 6–17, 1983) adopted a second set of amendments. The new amendments are scheduled to become effective on July 1, 1986.[5]

Implementation of these amendments in the Commission's rules will be considered in this proceeding. The rules will additionally be made applicable to compulsorily fitted vessels subject only to the Communications Act of 1934, as amended.

Second Set of Amendments

4. The second set of amendments to the 1974 SOLAS looks toward improving the safety of ship's personnel and passengers by requiring the carriage of an emergency position-indicating radio beacon (EPIRB) and a two-way radiotelephone in survival craft. These are in addition to the presently carried "Portable Radio Apparatus for Survival Craft" [6] mandated by the 1974 SOLAS Convention.

5. The current IMO regulations require the portable radiotelegraph apparatus to be capable of Morse code transmissions on the radiotelegraph distress frequencies 500 kHz and 8364 KHz. This equipment may optionally transmit and receive on the radiotelephone distress frequency, 2182 kHz. Vessels are required to carry one portable radiotelegraph apparatus to be used by the radio operator from the lifeboat to communicate with other vessels or coast stations. If more than one survival craft is launched these additional craft are not required to have emergency radio equipment.

6. The second set of amendments requires that all survival craft launched are equipped with a radio. The EPIRB carriage requirement provides all survival craft with a means of distress alerting and position indicating. The EPIRB signal is intended to alert aircraft within a range of several hundred miles and to permit search and rescue vehicles to home in on the survival craft. The two-way radiotelephone carriage requirement would provide a means of communicating with occupants of nearby vessels during a distress situation. Radio communications will be possible between the launching vessels and survival craft, between survival craft and, in some cases between survival craft and rescue vessels.

7. The EPIRB to be used for survival craft would operate on the same frequencies and transmit the same type of signal as the EPIRB's currently used by the maritime community. Class A EPIRB's which have a float free capability, are required by the US Coast Guard on vessels which travel beyond the range of marine VHF distress coverage. Class B EPIRB's are carried by ships voluntarily fitted with radio and these devices need not float free nor have a self test capability. The survival craft EPIRB required by the SOLAS amendments is designated a Class S EPIRB and differs from the Class A device in several technical aspects. The Class S device must be manually activated, may feature intermittent operation [7] and should not float free.

8. The proposed rules would require that the Class S EPIRB's be stored in the radio room, on the bridge or in a location readily accessible for transfer to a survival craft. We have alternatively considered requiring the EPIRB to be stored in the survival craft. Recognizing that there are both advantages and disadvantages to this latter approach, comments are specifically sought in this regard.

9. Particular attention should be focused on the implementation schedule for the EPIRB requirement. It is anticipated that a Report and Order in this proceeding can be completed in late 1984. We estimate that manufacturers of EPIRB devices would be able to provide type accepted equipment in production quantities by December 1985. For Class S EPIRB's, a sample unit must be submitted to the FCC with the application for type acceptance. Ship owners and operators would have six months to comply with the EPIRB carriage requirement. We consider this period to be adequate to permit U.S. flag vessels to meet the new requirement. Comments from equipment manufacturers and ship operators are specifically solicited about this implementation schedule and the proposed equipment technical standards.

10. The two-way radiotelephone apparatus would operate on frequencies in the 450–470 MHz band presently used for on-board communications. The IMO regulation permits existing on-board communications equipment to be used to satisfy the two-way radiotelephone carriage requirement. Our proposed rules would initially allow the use of the

[1] Docket 80–87, Report and Order, adopted June 25, 1980, FCC 80–360, 45 FR 46409.

[2] Docket 15034, Report and Order, adopted October 30, 1963, FCC 36–1002, 28 FR 11889.

[3] These amendments to the SOLAS Convention will automatically become effective in the United States without individual ratification.

[4] Docket 83–429, Report and Order, adopted October 19, 1983, FCC 83–475, 48 FR 21599.

[5] Amendments are deemed to have been accepted unless the specified number of objections stipulated in Article VIII(b)(vi)(2) of the Convention have been notified prior to January 1, 1986. Objections by either one-third of the Contracting Governments or Contracting Governments whose combined merchant fleets constitute not less than fifty percent of the gross tonnage of the world's merchant fleet are required to override acceptance.

[6] Regulation 14, Chapter IV of the 1974 SOLAS Convention, entitled "Portable Radio Apparatus for Survival Craft", gives the technical requirements for this type of equipment. In this proceeding we will refer to this equipment as "Portable Radiotelegraph Apparatus", to distinguish it clearly from other portable radio apparatus required by the second set of SOLAS amendments.

[7] The proposed intermittent duty cycle is one minute on-one minute off. The National Aeronautics and Space Administration is currently conducting tests to determine the acceptability of the proposed period for intermittent operation.

presently fitted type accepted communication equipment. We plan a transition to type accepted equipment with 100% testing by the Commission to ensure compliance with the proposed technical standards. The transceivers will be required to have a label indicating that they comply with the requirements for survival craft two-way radiotelephone equipment, § 83.603.

11. Although single frequency simplex operation is permitted, many of the on-board communication systems now in use are operated in a two frequency simplex mode on one or more of four paired channels. This requires the use of a repeater station at a high point on the ship to effectively provide communications to all parts of the vessel. However, on vessels using a repeater for on-board communications, a problem could arise in the distress situation if access to the repeater is precluded due to sinking of the vessel, loss of batter power or some other repeater failure. In this case direct communications between survival craft or between the survival craft and the launching vessel could not occur because the frequencies for transmitting and receiving are not the same. Consequently, we are proposing rules which would require one channel to be set up as single frequency simplex on 457.525 MHz to assure communication between all stations. We would require all licensees to determine that the equipment they are presently using complies with the proposed technical standards.

12. The proposed rules would permit existing equipment type accepted by the Commission for on-board communication purposes to be used until October 1, 1993. This is a date several years beyond the seven years often considered to be the expected lifetime for this type of equipment. Equipment first installed after October 1, 1988, would be type accepted in accordance with the requirements for survival craft two-way radiotelephone equipment. A note will be added to the Commission's Radio Equipment List to identify the transceivers that meet the requirements for survival craft two-way radiotelephone equipment.

13. We expect this equipment to be in use on a daily basis. Consequently we have proposed testing and storage requirements only for those periods when this equipment is not in normal use. When the equipment is not used on a daily basis, we are proposing that it be stowed on the bridge, radio room or a location readily accessible for transfer to a survival craft. Procedures used during an abandon-ship emergency should insure that at least one two-way radiotelephone apparatus will be carried in each survival craft. Recognizing that some of this equipment provides for the use of external antennas, we invite comment as to whether the Commission should require that the units have a permanently affixed antenna or that the antenna be stowed with the equipment when not in use.

14. The system and performance of the survival craft two-way radio-telephone apparatus appears to be difficult to measure. The specified .1 watt ERP and 2 microvolt reciever sensitivity for these hand-held units are parameters that do not lend themselves to convenient on-board measurement procedures by FCC inspectors or marine radio service technicians. A meaningful yet practical operational check of the units is needed to insure adequate range and communications capabilities without the need for bulky expensive test equipment or lengthy measurement procedures. We welcome any suggestions that would assist us in determining the potential value of these transceivers in an emergency.

15. The proposed amendments to the Commission's rules as set forth in the attached Appendix are issued under the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

Comments

16. Under procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file commens on or before October 9, 1984 and reply comments on or before November 8, 1984. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

17. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wising each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

18. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's Staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

19. Pursuant to section 605 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), we certify that the proposed rules will not have a significant economic impact on a substantial number of small entities. The vessels subject to these rules are operated by large concerns rather than small businesses.

20. It is ordered, That a copy of this Notice of Proposed Rule Making shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

21. Regarding questions on matters in this document contact C. McIntyre, 202/632–7175.

Federal Communications Commission.

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

William J. Tricarico

Secretary.

Appendix

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

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In Section 83.139 paragraph (h) is revised to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

* * * * *

(h) Each emergency position indicating radiobeacon (EPIRB) transmitter acceptable for licensing under this part must be type accepted by the Commission. In order to obtain type acceptance for a Class S EPIRB, the applicant must submit a sample unit for testing with the application for type acceptance.

* * * * *

2. In Section 83.473 paragraph (a) is revised to read as follows:

§ 83.473 Tests of survival craft radio equipment.

(a) Tests of survival craft radio equipment, except emergency position indicating radiobeacons and two-way radiotelephone equipment, must be conducted at weekly intervals while the ship is at sea or within 24 hours prior to departure from a port when a test has not been conducted within a week of the departure.

(1) When the ship is in a foreign port, transmitter tests are subject to any limitations imposed by the nation having jurisdiction.

(2) The test must include operation of the transmitter connected to an artificial antenna and determination of the specific gravity in the case of lead-acid batteries or determination of the voltage under normal load for other types of batteries.

§ 83.474 [Redesignated as] 83.479

3. Section 83.474 is redesignated as § 83.479.

* * * * *

4. A new § 83.474 is added to read as follows:

§ 83.474 Survival craft emergency position indicating radiobeacons, Class S.

(a) Survival craft emergency position indicating radiobeacons, Class S, must be type accepted to meet the provisions of § 83.601.

(b) The Class S EPIRB(s) must be stowed in the radio room, on the bridge or in a location readily accessible for transfer to a survival craft.

(c) One Class S EPIRB must be fitted for each required survival craft.

(d) The Class S EPIRB must be tested at intervals not to exceed twelve months.

(e) Batteries must be replaced after the date specified in § 83.144(h), or after the transmitter has been used in an emergency situation, whichever is earlier.

5. A new § 83.475 is added to read as follows:

§ 83.475 Survival craft portable two-way radiotelephone apparatus.

(a) Survival craft portable two-way radiotelephone transceivers must be approved by the Commission.

(b) The equipment must be stowed in the radio room, on the bridge or in a location readily accessible for transfer to life boats when not being used by shipboard personnel to satisfy the vessel's operational requirements.

(c) The minimum number of survival craft radiotelephone transceivers carried on board a vessel must be at least equal to one more than the number of required survival craft.

(d) When not in routine use the survival craft two-way radiotelephone transceivers must be tested once a week.

§ 83.601 [Redesignated as] § 83.651

6. Section 83.601 is redesignated as § 83.651. The heading Subpart W-Violations is relocated to precede § 83.651.

7. A new Section 83.601 is added to read as follows:

§ 83.601 Requirements for survival craft emergency position indicating radio beacons.

To be type accepted by the Commission pursuant to § 83.474 survival craft emergency position indicating radiobeacons shall comply with the following general requirements in addition to the applicable specific requirements in §§ 83.134(i), 83.137(d)(1) and 83.144 (a) and (c) through (m):

(a) Be capable only of manual activation by an on-off switch protected by a guard or other suitable means to prevent accidental activation of the radiobeacon;

(b) Provide either continuous or intermittent operation with a 50 percent duty cycle having a total period of two minutes ±12 seconds. The radiobeacon must transmit for one minute followed by a one minute period without transmission if designed for intermittent operation;

(c) Be marked with the manufacturer's name, with the type number and with the indication "Class S";

(d) Be watertight and float in calm water with at least the upper 5 centimeters of the EPIRB body and the base of the antenna above the water.

(e) Meet the technical requirements of this section after free fall from a height of 20 meters into water.

§ 83.602 [Redesignated as] § 83.653

8. Section 83.602 is redesignated as § 83.653.

9. A new § 83.603 is added to read as follows:

§ 83.603 Requirements for survival craft two-way radiotelephone apparatus.

To be approved by the Commission survival craft two-way radiotelephone transceivers must comply with the following general requirements in addition to the specific requirements in Subpart Z of this chapter.

(a) Receive and transmit on the frequency 457.525 MHz.

(b) Be type accepted as to the transmitter section[1] by the Commission. A sample unit must be submitted with the application for type acceptance.

(c) Be certified as to the receiver section by the Commission pursuant to Part 15, Subpart C of this chapter. The receiver portion of the sample unit will be tested.

(d) Provide a minimum effective radiated power of at least 0.1 watts and comply with the radiated power requirements of § 83.134(h).

(e) Have a usable sensitivity of 2 microvolts maximum. The Commission will measure receiver sensitivity in accordance with OST Bulletin No.

(f) Be battery powered and operate for four hours with a transmit to receive ratio of 1:9.

(g) Have a permanently attached waterproof label with the statement, "Complies with the FCC requirements for survival craft two-way radiotelephone equipment."

[FR Doc. 84-20948 Filed 8-7-84; 8:45 am]

BILLING CODE 6712-01-M

[1] Portable radiotelephone transceivers now type accepted for on-board communications purposes may be used to satisfy the survival craft radiotelephone requirement until October 1, 1993, provided the licensee has determined that the device meets the technical requirements of § 83.603. These transceivers must demonstrate compliance with § 83.603 and a sample must be submitted for testing if they are to be used after October 1, 1993. Survival craft radiotelephone transceivers first installed after October 1, 1988, must be type approved to meet § 83.603. Transceivers meeting the survival craft requirements will be identifiable by an appropriate note to that effect in the Commission's Radio Equipment List.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition filed by American Honda Motor Co. of Gardena, California, requesting the agency to allow motorcycles equipped with automatic transmissions to be equipped with brake controls on the left handlebar; Standard No. 123 allows only brake controls operated by the right foot. The petitioner argued that such an amendment was appropriate because of the increasing number of scooters equipped with automatic transmissions. The petition was denied primarily because of the need for standardization of motorcyle controls and the possibility that an operator, used to foot pedal braking, might react with confusion in an emergency.

FOR FURTHER INFORMATION CONTACT: Ken Rutland, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202–426–2154).

SUPPLEMENTARY INFORMATION: Table 1 of 49 CFR 571.123, Motor Vehicle Safety Standard No. 123, *Motorcycle Controls and Displays*, requires that the rear brake control be located so as to be operable by the right foot. If a motorcycle has 5 horsepower or less (a subcategory defined as "motor driven cycle"), the brake control may be located on the left handlebar. American Honda Motor Co. petitioned for an amendment which would extend the option of handlebar location to all motorcycles with automatic transmission, citing the increasing popularity of motor scooters with more than 5 horsepower which the company manufactures. These vehicles are generally manufactured with automatic transmission, and with a platform, as opposed to footpegs or footboards found on larger motorcycles. Honda, which produces scooters with left handlebar controls in Japan, is required to modify them before shipment to the United States in order to meet Standard No. 123.

The Office of Rulemaking conducted a technical review of the petition, in accordance with 49 CFR 552.8, to determine whether there would be a reasonable possibility that the order requested would be issued at the end of a rulemaking proceeding.

Motor driven cycles are generally equipped with a hand operated brake control to allow the operator to use feet for the pedal assist. Because Honda petitioned for an amendment for all motorcycles with automatic transmissions, and not just for motorcycles with, for example, a maximum of 7.5 horsepower, its request must be considered in that context. A motorcycle with 5 horsepower or less, such as a moped, which has a maximum speed in the 20 to 30 mph range, cannot be compared with machines equipped with 15 to 85 horsepower engines, and obtainable highway speeds in excess of 85 mph. Braking ability and stopping distances are obviously more critical for heavier, more powerful machines. As the agency commented in proposing Standard No. 123 (35 FR 17117):

"Controls and displays link the operator and the machine, and if there is confusion as to their location, interpretation, or operation, a dangerous situation may result. A cyclist, especially the cyclist who has changed from one make of machine to another, must not hesitate when confronted with an emergency.

Therefore . . . motorcycle controls must be standardized in the interests of highway safety. . . ."

An amendment of the nature petitioned for by Honda could create precisely the situation of confusion envisioned which was the rationale for the safety standard. Given the relatively few ways in which cyclists can protect themselves against injuries in accidents, the agency has concluded that an amendment of this nature might reduce the accident-avoidance potential of motorcycles.

At the conclusion of the technical review the agency determined that there was not a reasonable possibility that at the end of the rulemaking proceeding Standard No. 123 would be amended to allow braking controls to be located on the left handlebar of all motorcycles equipped with automatic transmissions, and the petition was denied.

The program official and attorney principally responsible for the development of this agency position are Ken Rutland and Taylor Vinson, respectively.

(Secs. 103, 119, and 124, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407, and 1410a); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 2, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84–20976 Filed 8–7–84; 8:45 am]

BILLING CODE 4910–59–M

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition filed by Joseph M. Pearlman, requesting this agency to amend Federal Motor Vehicle Safety Standard No. 108. The petition alleged that motor vehicle safety could be improved by supplementary lighting or reflectors on panel trucks and van-type vehicles whose rear lamps may be obscured when the rear doors are opened for unloading. The petition was denied because petitioner failed to respond to the agency's requests for data to substantiate his petition, NHTSA's own data not showing that a safety problem existed.

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–2520).

SUPPLEMENTARY INFORMATION: On September 2, 1982, Joseph M. Pearlman of South Setauket Park, New York, petitioned the agency for rulemaking to amend Standards No. 108. Mr. Pearlman stated his belief that vans with rear-opening doors were "accidents awaiting to happen" because "under certain common circumstances, the entire rear lighting of the vehicle becomes obstructed, invisible, and highly dangerous". Petitioner urged the agency to study the problem presented when these types of vehicles were being unloaded and their lights and relfectors obscured by the doors, the loads, and occupants and crew standing in front of the lighting devices. The agency wrote Mr. Pearlman on October 26, 1982, asking that he submit data to substantiate his petition, and initiated its own data search, which did not indicate the existence of a problem of sufficient magnitude to merit rulemaking. Mr. Pearlman failed to reply to the agency's letter, and to another letter sent on May 14, 1984.

The Office of Rulemaking conducted a technical review of the petition, in accordance with 49 CFR 552.8, to determine whether there would be a reasonable possibility that the order requested would be issued at the end of a rulemaking proceeding. The agency noted that the petitioner has submitted no data or other information, other than simple opinion, to support his contentions. The agency determined that there was not a reasonable possibility that at the end of the rulemaking proceeding Standard No. 108 would be amended to require supplementary lighting or reflectors and the petition was denied.

The program official and attorney principally responsible for the development of this agency position are Jere Medlin and Taylor Vinson, respectively.

(Secs. 103, 119, and 124, Pub. L. 89-563, 80 Stat. 718 [15 U.S.C. 1392, 1407, and 1410a]; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 2, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-20977 Filed 8-7-84; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 49, No. 154
Wednesday, August 8, 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

Forms Under Review by Office of Management and Budget

August 3, 1984.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, D.C. 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Revised

• Office of Grants and Program Systems
Financial Report, Morrill-Nelson Funds for Food and Agricultural Higher Education
Annually
State or local governments, Non-profit institutions: 73 responses; 73 hours; not applicable under 3504(h)
Jane Coulter, (202) 447–7854

Jane A. Benoit,

Acting Department Clearance Officer.

[FR Doc. 84–21061 Filed 8–7–84; 8:45 am]

BILLING CODE 3410–01–M

Rural Electrification Administration

Allegheny Electric Cooperative, Inc., Harrisburg, PA; Proposed Loan Guarantee

AGENCY: Rural Electrification Administration (REA), USDA.

ACTION: Proposed Loan Guarantee.

SUMMARY: Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $41,500,000 to Allegheny Electric Cooperative, Inc., Harrisburg, Pennsylvania. This loan guarantee will provide funds needed to finance the construction of a hydroelectric generation facility with a nameplate rating of 20,300 kW and upgrading 3 miles of existing transmission line.

FOR FURTHER INFORMATION CONTACT: Mr. William F. Matson, Executive Vice President and General Manager, Allegheny Electric Cooperative, Inc., P.O. Box 1266, Harrisburg, Pennsylvania 17108.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. Matson at the address given above.

In order to be considered, proposal must be submitted on or before (within 30 days from the date of the **Federal Register** publication of this notice) to Mr. Matson. The right is reserved to give such consideration and to make such evaluation or other disposition of all proposals received as Allegheny and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: August 1, 1984.

Harold V. Hunter,

Administrator.

[FR Doc. 84–21063 Filed 8–7–84; 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Kanawha Twomile Creek Watershed, WV; Intent To Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to deauthorize Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622); the Soil Conservation Service, U.S. Department of Agriculture, gives notice of the intent to deauthorize Federal funding for the Kanawha Twomile Creek Watershed project, Kanawha County, West Virginia.

FOR FURTHER INFORMATION CONTACT: Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia, 26505, telephone: 304–291–4151.

SUPPLEMENTARY INFORMATION: A determination has been made by Rollin N. Swank that the proposed works of improvement for the Kanawha Twomile Creek Watershed project will not be installed. The sponsoring local

organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from Rollin N. Swank, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. The State of West Virginia's process regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 31, 1984.

Rollin N. Swank,

State Conservationist.

[FR Doc. 84-20966 Filed 8-7-84; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 84-8-19]

Merchant Air Limited; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order.

SUMMARY: The Board proposes to dismiss the following application:

Application: Merchant Air Limited.

Application Date: November 16, 1982; Docket: 41098.

Authority Sought: Foreign air carrier permit to transport property and mail between Pago Pago, American Samoa and Christchurch and Auckland, New Zealand.

Objections

All interested persons having objections to the Board's tentative findings and conclusions that this application should be dismissed, shall no later than August 27, 1984, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of New Zealand in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will make final the Board's tentative findings and conclusions and dismiss the application.

Addresses for Objections

Docket 41098, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Merchant Air Limited, C/O Mr. Robert Cohn, Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Ave., NW., Suite 900, Washington, D.C. 20006.

To get a copy of the complete order, request it from the CAB, Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Gerald Caolo, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5371.

By the Civil Aeronautics Board: August 2, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-21012 Filed 8-7-84; 8:45 am]

BILLING CODE 6320-01-M

[Order 84-8-9]

Use-It-Or-Lose-It Test of Essential Air Transportation; Tentative Approval

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Tentative approval of a Use-It-Or-Lose-It Test of Essential Air Transportation—Order 84-8-9, Order to Show Cause.

SUMMARY: The Board is proposing to authorize Wheeler Flying Service d/b/a Wheeler Airlines to conduct a use-it-or-lose-it test of essential air transportation at Danville, Virginia, under which a higher than normal level of essential air service will be established to provide the community with an opportunity to reestablish traffic at the community. If the test is unsuccessful, the community has agreed to accept a zero essential air service determination. The complete text of this order is available as noted below.

DATES: Objections—all interested persons wishing to object to the Board's tentative decision should submit their response no later than August 28, 1984.

Reply comments—all reply comments should be submitted no later than September 12, 1984.

ADDRESSES: Objections should be sent to Docket 37236, Docket Section, B-12, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, and to all persons listed in Appendix C of Order 84-8-9.

FOR FURTHER INFORMATION CONTACT: William C. Boyd, Chief, Essential Air Services Division I, Bureau of Domestic Aviation, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5405.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-8-9 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-8-9 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 2, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-21011 Filed 8-7-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Economic Advisory Board; Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that the meeting of the Department of Commerce Economic Advisory Board will be held on Thursday, September 13, 1984, from 9:30 a.m. to 4:00 p.m. in Room 4830, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

The Board was established by the Secretary of Commerce on January 13, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

- A review of the economic outlook by major sector.
- A discussion of the outlook for prices and employment and of strategies for sustaining noninflationary economic growth.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion. Additional statements or inquiries may be submitted to the chair before or after the meeting. Copies of the minutes will be available on request 30 days after the meeting.

Additional information concerning this meeting may be obtained by contacting Mrs. Virginia R. Marketti, Office of the Under Secretary for Economic Affairs, Room 4836,

Department of Commerce, Washington, D.C. 20230, (202) 377–3523.

Dated: July 31, 1984.

Sidney L. Jones,

Under Secretary for Economic Affairs.

[FR Doc. 84–20964 Filed 8–7–84; 8:45 am]

BILLING CODE 3510–18–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Hong Kong

August 3, 1984.

On May 10, May 22 and June 7, 1984, notices were published in the **Federal Register** (49 FR 19886, 21557 and 23682) announcing that the Government of the United States had requested consultations with the Government of Hong Kong concerning cotton shop towels in Category 369pt., cotton playsuits in Category 337, man-made fiber brassieres in Category 649, man-made fiber dressing gowns in Category 650, man-made fiber swimwear in Category 659pt., and cotton overalls, coveralls and jumpsuits in Category 359pt. under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 23, 1982, as amended, between the two governments.

The purpose of this notice is to announce that consultations on these categories were held June 13–15, 1984. The following limits were agreed for 1984 for Categories 337, 649 and 659pt.,

Category	Agreed limit
337	640,000 dozen.
649	553,896 dozen.
659pt. (swimwear)	403,251 pounds.

In addition, formula limits of 73,592 dozen and 1,203,438 pounds have been established during 1984 for Category 650 and Category 369pt., respectively.

The consultation period for overalls, coveralls and jumpsuits in Category 359pt., called on May 24, 1984, has been extended through August 15, 1984.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84–20997 Filed 8–7–84; 8:45 am]

BILLING CODE 3510–DR–M

Additional Import Restraint Level for Certain Apparel Products Produced or Manufactured in Macau

August 3, 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 August 9, 1984. For further information contact Kyle Poole, Trade Reference Assistant (202) 377–4212.

Background

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 29, 1983 and January 9, 1984 between the Governments of the United States and Macau, the United States Government has decided to control imports of cotton sweaters in Category 345, produced or manufactured in Macau and exported during 1984 at a level of 19,022 dozen. The limit will be adjusted to account for merchandise in Category 345 that has been exported during the period which began on January 1, 1984. For the January–May period those charges have amounted to 5,673 dozen. Overshipments from 1983 amounting to 5,933 dozen will also be charged. The letter to the Commissioner of Customs which follows this notice amends the directive of January 18, 1984 which established the restraint limits for cotton, wool and man-made fiber textile products from Macau during 1984 (49 FR 2807) to include a limit of 19,022 dozen for Category 345.

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), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 3, 1984.

Commissioner of Customs,
Department of the Treasury,
Washington, DC

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of January 18, 1984 which directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textiles and textile products, produced or manufactured in Macau and exported during 1984.

Effective on August 9, 1984, the directive of January 18, 1984 is hereby amended to include a restraint limit of 19,022 dozen [1] for cotton textile products in Category 345 exported during the twelve-month period which began on January 1, 1984.

Textile products in Category 345 which have been exported to the United States prior to January 1, 1984 shall not be subject to this directive.

Textile products in Category 345 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.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84–20999 Filed 8–7–84; 8:45 am]

BILLING CODE 3510–DR–M

Adjusting the Import Limit for Certain Cotton Apparel Products Produced or Manufactured in Macau

August 3, 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 August 9, 1984. For further information contact Kyle Poole, Trade Reference Assistant (202) 377–4212.

Background

A CITA directive dated January 18, 1984 (49 FR 2807) established restraint limits for specified categories of cotton, wool and man-made fiber textile products, including Category 338 (men's and boys' knit shirts), produced or manufactured in Macau and exported during 1984. In the CITA directive published below the limit for Category 338 is being increased from 146,247 dozen to 156,484 dozen by the application of swing, provided under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 29, 1983 and January 9, 1984 between the Governments of the United States and Macau.

A description of the textile categories in terms of T.S.U.S.A. numbers was

[1] The restraint limit has not been adjusted to account for any imports exported after December 31, 1983.

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), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of January 18, 1984 from the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Macau.

Effective on August 9, 1984, you are directed to adjust the restraint limit established for Category 338 in the directive of January 18, 1984 to the limit indicated, according to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 29, 1983 and January 9, 1984 between the Governments of the United States and Macau.[1]

Category	Amended 12-month limit [1] (doz)
338	156,484

[1] The limit has not been adjusted to account for any imports exported after December 31, 1983.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-20998 Filed 8-7-84; 8:45 am]

BILLING CODE 3510-DR-M

Adjusting the Import Limit for Certain Wool Apparel Products Produced or Manufactured in Romania

August 3, 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 directed published below to the Commissioner of Customs to be effective on August 9, 1984. For further information contact Diana Bass, International Trade Specialist (202/377-4212).

Background

During consultations, the Governments of the United States and the Socialist Republic of Romania have agreed to amend their Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, to convert the existing designated consultation level for men's and boy's wool coats in Category 433/434 to a specific limit at 270,000 square yards equivalent for goods produced or manufactured in Romania and exported during 1984.

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 of 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).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textitle Agreements.

Committee for the Implementation of Textitle Agreements

August 3, 1984.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 19, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption and withdrawal from warehouse for consumption of certain wool and man-made fiber textile products, produced or manufactured in Romania and exported during 1984.

Effective on August 9, 1984, the directive of December 19, 1983 is hereby amended to include an adjusted restraint limit of 270,000 square yards equivalent [1] for Category 433/434.

The action taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool textile products from Romania has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directors 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. 84-21000 Filed 8-7-84; 8:45 am]

BILLING CODE 3510-DR-M

Extending the Exemption From Quota and Visas for Rubber or Plastic Garments Subject to Cotton, Wool or Man-made Fiber Restraints

August 3, 1984.

On December 30, 1983 (48 FR 57584) and February 13, 1984 (49 FR 5367) the Committee for the Implementation of Textile Agreements (CITA) announced the creation of new categories to provide coverage for certain rubber or plastic garments in T.S.U.S. 772.30 which contain 50 percent or more by weight of cotton or man-made fibers or 17 percent by weight of wool. These new categories are 355 (men's and boys' rubber or plastic coats containing 50 percent or more by weight of cotton in T.S.U.S.A. 772.3015), 356 (women's, girls' and infants' rubber or plastic coats containing 50 percent or more by weight of cotton in T.S.U.S.A. 772.3020), 655 (men's and boys' rubber or plastic coats containing 50 percent or more by weight of man-made fibers in T.S.U.S.A. 772.3025), 656 (women's girls' and infants' rubber or plastic coats containing 50 percent or more by weight of man-made fibers in T.S.U.S.A. 772.3030), 455 (rubber or plastic coats containing 17 percent or more by weight of wool in T.S.U.S.A. 772.3032), 371 (other rubber or plastic garments containing 50 percent or more by weight of cotton in T.S.U.S.A. 772.3035) and 671 (other rubber or plastic garments containing 50 percent or more by weight of man-made fibers in T.S.U.S.A. 772.3040). CITA also announced at that time that these new categories were to be exempt from the quota and visa requirements of the various bilateral agreements until September 1, 1984.

The purpose of this notice is to announce that the new categories T.S.U.S. 772.30 will continue to be exempted from the quota and visa requirements of the bilateral textile and apparel agreements until further notice.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to exempt categories 355, 356, 655, 656, 455,

[1] The agreement provides, in part, that (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[1] The limit has not been adjusted to account for any imports exported after December 31, 1983.

371, and 671 from quota levels and visa requirements until further notice.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 3, 1984.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: To facilitate implementation of the U.S. textile import restraint program, it would be appreciated if, effective on September 1, 1984 and until further notice, you continue to exempt from the quota levels and export visa requirements of the various bilateral textile and apparel agreements coats and jackets and other garments of rubber or plastic containing 50 percent or more by weight of cotton or man-made fibers of 17 percent by weight of wool in categories 355, 356, 655, 656, 455, 371 and 671 (T.S.U.S.A. numbers of 772.3015, 772.3020, 772.3025, 772.3030, 772.3032, 772.3035 and 772.3040) from all countries regardless of the date of export.

This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-21001 Filed 8-7-84; 8:45 am]

BILLING CODE 3510-DR-M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, August 15, 1984, beginning at 1:30 p.m. in Salon D–E of the Harrisburg Marriott Hotel at 4650 Lindle Road, Harrisburg, Pennsylvania. The hearing will be a part of the Commission's regular business meeting, which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 10:30 a.m. in Salon D, at the same location.

The subjects of the hearing will be as follows:

Application for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact

1. *Lawrenceville Water Company D–83–26 CP.* A ground water withdrawal project to supply additional water to the applicant's distribution system. The applicant plans to utilize new Well No. 9 in conjunction with existing Well Nos. 4, 5, and 6 to meet anticipated population increases in its franchise area. Total withdrawals will be increased from 0.4 to 0.7 million gallons per day (mgd). New Well No. 9 will supply approximately 0.2 mgd of this total, and is located in Lawrence Township, Mercer County, New Jersey.

2. *Great Valley Water Company D–83–28 CP.* A ground water withdrawal project to supply up to 0.324 mgd of water to the applicant's Boot Road distribution system. The total withdrawal from all wells in the Boot Road system is expected to average 0.675 mgd in 1984. The new well, designated as Well No. 23, is located in East Goshen Township, Chester County, Pennsylvania, and is in the Southeastern Pennsylvania Ground Water Protected Area.

3. *Cargill, Inc. D–84–11.* A ground water withdrawal and waste treatment modification project at the applicant's poultry processing plant near Harbeson in Sussex County, Delaware. New Well Nos. 3, 4, and 5 in conjunction with nearby existing Well Nos. 1, 2, and 6 will supply a total of up to 20.736 million gallons (mg)/30 days of water for processing. All wells are located at the applicant's plant site. The upgraded waste treatment plant is designed to remove 95 percent BOD_5 and TSS from an average waste flow of 0.91 mgd. Discharge is to Beaverdam Creek near Harbeson, Delaware.

4. *Broad Acres, Inc. D–84–20.* A ground water withdrawal project to supply water for irrigation of the applicant's farm crops. Well Nos. 1, 2, 3 and 4 will supply a total of up to 73.52 mg/30 days during the growing season. The project is located about 3 miles northeast of Dover, in Kent County, Delaware.

5. *Borough of West Chester D–84–21 CP.* A sewage treatment project to serve the southeastern portion of the Borough of West Chester in Chester County, Pennsylvania. The treatment plant will replace an existing facility which is to be abandoned. The new plant is designed to remove 89 percent BOD and 96 percent suspended solids from a sewage flow of 1.86 mgd. Treated effluent will continue to discharge to Goose Creek, a tributary to Chester Creek in Chester County, Pennsylvania.

6. *Upper Moreland-Hatboro Joint Sewer Authority D–84–22 CP.* Modification of the applicant's Terwood Road sewage treatment facility which serves the Borough of Hatboro and Townships of Horsham, Upper Moreland and Upper Dublin in Montgomery County, Pennsylvania. The project is designed to prevent storm related hydraulic overloads which cause submergence of the grit chamber as well as surcharges at manholes along portions of the interceptor. During rainstorms when plant hydraulic capacity is exceeded, up to 5 mgd of inflow will be pumped from the influent wet well, chlorinated, and routed through a swirl concentrator for solids removal, prior to discharge through a new outfall to the Pennypack Creek in Upper Moreland Township.

7. *Unidel Corporation D–84–24.* An impoundment located at the Emerald Lakes residential development in Tunkhannock and Tobyhanna Townships, Monroe County, Pennsylvania. The project, known as Mountain Top Lake, will cover 52 acres and is proposed to provide recreational and scenic benefits for the Emerald Lakes residents. The project, which will impound 520 acre-feet of water, requires construction of two earth dams and a concrete spillway across Dry Sawmill Run—a tributary to Pocono Creek in the Broadhead Creek Watershed.

8. *Hercules, Inc. D–84–28.* A ground water withdrawal project to supply water to the applicant's research center in New Castle County, Delaware. Withdrawals will be limited to 3.024 mg/30 days from proposed Well No. 23 and a total of 14 mg/30 days from all wells. The wells are located near the Lancaster Pike (Route 48) bridge over Red Clay Creek.

Documents relating to these projects may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Dated: July 31, 1984.

Susan M. Weisman,

Secretary.

Public Information Notice

Water Quality Program

The Commission is preparing its water quality program for the fiscal year ending September 30, 1985. Notice of this action is given in accordance with the requirements of the Federal Clean Water Act as amended. The proposed program will involve a variety of activities in the areas of planning, surveillance, compliance monitoring, regional coordination, wasteload allocations and public participation. While the proposed program is not subject to public hearing by the Commission, it may be examined by interested individuals at the Commission's offices upon request. The public review and comment period will begin August 6, 1984 and extend for 30 days. Contact Seymour P. Gross at the Commission.

[FR Doc. 84-20972 Filed 8-7-84; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

[Docket No. 2-(32)-77]

Education Appeal Board; Reinstatement of the Appeal of Pennsylvania

AGENCY: Department of Education.

ACTION: Notice of reinstatement of the appeal of Pennsylvania, Docket No. 2-(32)-77.

Notice is given that on September 23, 1983, the Secretary withdrew his stay of proceedings in the *Appeal of Pennsylvania*, Docket No. 2-(32)-77. The appeal was thereby reinstated before the Education Appeal Board. Notice of acceptance of application for review can be found in 44 FR 43807 (July 26, 1979).

Pennsylvania is contesting the final audit determination of the Assistant Secretary for Elementary and Secondary Education requesting a refund of money for a violation of the comparability requirements contained in Title I of the Elementary and Secondary Education Act of 1965 and the implementing regulations. The dispute involves the administration of the Philadelphia Title I project in fiscal year 1973.

Intervention

Section 78.43 of the final regulations establishing procedures for the Education Appeal Board provides that an interested person, group, or agency, may, upon application to the Board Chairperson, intervene in appeals before the Education Appeal Board.

An application to intervene must indicate to the satisfaction of the Board Chairperson or, as appropriate here, the Panel Chairperson, that the potential intervenor has an interest in, and information relevant to, the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

FOR FURTHER INFORMATION CONTACT: Applications to intervene, or questions, should be addressed to Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, SW. (Room 1065, FOB-6), Washington, D.C. 20202. Telephone: (202) 245-7835.

(20 U.S.C. 1234)

(Catalog of Federal Domestic Assistance No. not applicable)

Dated: August 3, 1984.

A. Wayne Roberts,

Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 84-21002 Filed 8-7-84; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Indian Education; Meeting Cancellation

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Cancellation of Meeting.

SUMMARY: Notice is hereby given of the cancellation of the Government Programs Study Committee meeting of the National Advisory Council on Indian Education, August 21-22, 1984, in Washington, D.C., as published in the **Federal Register** on Monday, July 30, 1984, Volume 49, No. 147, Page 30346.

DATE: August 2, 1984. Signed at Washington, D.C.

Lincoln C. White,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 84-21068 Filed 8-7-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commision

[Docket No. CP79-128-004]

Colorado Interstate Gas Company; Petition To Amend

August 3, 1984.

Take notice that on July 6, 1984, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP79-128-004 a petition to amend the Commission's order issued June 15, 1979, in docket No. CP79-128, as amended, pursuant to section 7(c) of the Natural Gas Act so as to extend the time to December 31, 1985, in which to complete the sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order issued in Docket No. CP79-128, CIG was authorized to sell to Panhandle an average of 1,000 Mcf of natural gas per day for a period of five years or until 1,825,000 Mcf of natual gas had been delivered from the recoverable reserves previously dedicated to Panhandle by the former producers of the Flank Storage Field, Boca County, Colorado. CIG asserts that from June 15, 1979, the date of the Commission order, to June 15, 1984, approximately 1,679,000 Mcf of gas have been sold to Panhandle leaving a balance of 146,000 Mcf of gas remaining to be delivered. CIG therefore, petitions the Commission to extend to December 31, 1985, certificate authority in which to complete the sale of gas to Panhandle.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 24, 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 Procedures (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 Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-21014 Filed 8-7-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-558-000]

Colorado Interstate Gas Company; Request Under Blanket Authorization

August 3, 1984.

Take notice that on July 9, 1984, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP84-558-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that CIG proposes to transport gas on behalf of Wycon Chemical Company (Wycon) under the authorization issued in Docket No. CP83-21-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

CIG proposes to transport for Wycon up to 10,000 Mcf of gas per day on a best-efforts basis from a delivery point near the wellhead of the Bullfrog 2-7-36-86 well in Natrona County, Wyoming, to an existing interconnection of the facilities of CIG and Cheyenne Light, Fuel and Power Company (Cheyenne Light), a local distribution company, in Weld County, Colorado. CIG indicates that Cheyenne Light would then transport the gas to Wycon's plant.

CIG estimates that the annual volume, peak day volume and average day volumes would be 1,330,000 Mcf, 10,000 Mcf and 3,800 Mcf, respectively. CIG states that the end-user would use the gas for fuel gas and feedstock in

producing nitrogen fertilizers and carbon dioxide. CIG indicates it would charge Wycon a transportation charge of 36.09 cents per Mcf plus a 12-cent per Mcf gathering charge. CIG states that the transportation charge in CIG's systemwide transportation rate based upon the settled cost-of-service in Docket No. CP82–54–000 and as stated in CIG's Rate Schedule AIC–1 .

CIG has submitted an affidavit from Cheyenne Light indicating that it has sufficient capacity to transport the gas without detriment to its other customers. CIG states that the proposed transportation would be rendered through the use of its existing facilities. CIG also submitted a statement indicating that the sales price of $2.68 per million Btu does not exceed the maximum lawful price provisions of the Natural Gas Policy Act of 1978 and that the gas was not committed or dedicated to interstate commerce on November 8, 1978.

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. 84–21015 Filed 8–7–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–566–000]

Connecticut Light and Power Company; Filing

August 3, 1984.

The filing Company submits the following:

Take notice that on July 27, 1984, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated May 1, 1984 between (1) CL&P and Western Massachusetts Electric Company (WMECO and together with CL&P, the NU Companies) and (2) City of Holyoke, Massachusetts Gas and Electric Department (HG&E).

CL&P states that the Transmission Agreement provides for transmission services to HG&E for the wheeling of their purchase from MMWEC of a portion of MMWEC's entitlement obtained from Salem Harbor Unit No. 4 during the period from May 1, 1984 to October 31, 1984.

CL&P states that the transmission charge rate is a monthly rate equal to one-twelfth of the estimated annual average cost of transmission service on the electric transmission system of the NU Companies determined in accordance with Appendix A and Exhibits I, II and III thereto, of the Transmission Agreement. The monthly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-month), and (ii) the number of kilowatts HG&E is entitled to receive during such month. The monthly transmission charge is reduced by up to 50% to give due recognition for payments made by HG&E to another system also providing transmission service.

CL&P requests an effective date of May 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon WMECO and HG&E.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 20, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–21017 Filed 8–7–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES84–28–000]

El Paso Electric Company; Amended Application

August 3, 1984.

Take notice that on July 25, 1984, El Paso Electric Company filed an amendment to its application with the Federal Energy Regulatory Commission (Commission) seeking authority, pursuant to section 204 of the Federal Power Act, to issue and sell up to $25,000,000 principal amount of long-term promissory notes secured by first mortgage bonds via negotiated placement. The proposed issuance of the notes and first mortgage bonds was previously noticed on February 6, 1984 and March 16, 1984.

Any person desiring to be heard or to make any protest with reference to the application should file a motion to intervene or protest on or before August 23, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–21019 Filed 8–7–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–540–000]

Great Lakes Gas Transmission Company; Application

August 3, 1984.

Take notice that on July 3, 1984, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP84–540–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide gas transportation service for TransCanada Pipelines Limited (TransCanada) and to construct and operate facilities necessary thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to increase its transportation service for TransCanada under an existing gas transportation contract from 815,000 Mcf per day to a maximum of 1,270,000 Mcf per day. Applicant states that its gas transportation contract with TransCanada provides for transportation of gas from the United States-Canadian international boundary near Emerson, Manitoba to the United States-Canadian international boundary near Sault Ste. Marie and St. Clair, Michigan. Applicant further states that the increase in transportation service has been requested by TransCanada in conjunction with the gas to be exported

by TransCanada at Niagara, Ontario, which gas is, *inter alia*, the subject of an application filed by Niagara Interstate Pipeline System (NIPS), pending in Docket No. CP83–170–001. Applicant states that its application is being filed in support of NIPS project.

Applicant seeks authorization for construction and operation of (i) approximately 350.4 miles of 36-inch diameter pipeline loop to be added to Applicant's existing pipeline system in Minnesota, Wisconsin and Michigan, (ii) two compressor station additions—15,000 horsepower class unit and 12,500 horsepower class unit in Michigan, and (iii) other related facilities, all to provide increased transportation service for TransCanada. Applicant further states that it would utilize some of the existing capacity of its pipeline system for the increased service.

Applicant estimates the financing covered by this application to be $345,739,000, including the estimated costs of the new facilities of $341,739,000 and $4,000,000 for additional working capital requirements. Applicant states that $45,739,000 will be from internally generated funds and $300,000,000 from term debt.

Applicant states that the rate to be charged for the proposed increase in transportation service will be equivalent to the revised rate under Rate Schedule T-4.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 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. 84–21020 Filed 8–7–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES84–60–000]

Montana-Dakota Utilities Co.; Application

August 3, 1984.

Take notice that on July 27, 1984, Montana-Dakota Utilities Co. filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an Order to incur up to $50,000,000 of short-term indebtedness due not more than one year after it is incurred.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before August 23, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests under the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–21022 Filed 8–7–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–579–000]

Northern Border Pipeline Company; Application

August 2, 1984.

Take notice that on July 17, 1984, Northern Border Pipeline Company (Applicant), 224 South 108th Avenue, P.O. Box 3330, Omaha, Nebraska 68103, filed in Docket No. CP84–579–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to operate an existing tee and side valve and to transport natural gas in interstate commerce on an interruptible basis, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to operate an existing tee and side valve located in section 4, Township 151N, Range 103W, McKenzie County, near Buford, North Dakota, and to transport on an interruptible basis up to 31 billion Btu of gas per day from the point of receipt in McKenzie County to an existing point of delivery to Northern Natural Gas Company, Division of InterNorth, Inc. (Northern Natural), near Welcome, Minnesota. The proposed service would be for a term extending through February 1, 1986.

Applicant states that the natural gas would be purchased from producers in the Williston Basin Area for use by Terra Chemicals International, Inc. (Terra), at its Port Neal, Iowa, fertilizer plant. The subject volumes would be transported for Iowa Public Service Company (IPS), as agent on behalf of Terra.

Applicant states that Terra requires a delivered price equal to or less than $3.20 per million Btu in order to operate its plant in an economical manner, otherwise plant operations would be terminated. Applicant states that in order for the combination of the gas purchase price, transportation and compression by Northern Natural, transportation by Applicant and other surcharges to meet the $3.20 per million Btu delivered price, Applicant proposes to charge ISP, as agent for Terra, a special rate which is one-half of Applicant's fully allocated million Btu-mile rate.

For the purpose of determining this special rate during the cost of service reduction which ends October 31, 1984, as approved in RP84–55–000 (see Commission's order of April 6, 1984, 27 FERC ¶ 61.050), Applicant states it used the May, 1984, actual cost of service and computed the contract dekatherm-miles of the U.S. Shippers based on the maximum receipt quantities totalling 800 billion Btu per day. Thus, Applicant proposes to charge IPS 33.8 cents per million Btu for natural gas transported prior to November, 1984. During the six month period, November 1984, through April 1984, Applicant proposes to charge IPS a million Btu rate based on the November 1984 actual cost of service. Thereafter, the million Btu rate would be recalculated for each subsequent six-month period based on the actual cost of service for the last month in the preceding six-month period, it is submitted. Applicant states that based on the current estimate of the cost of service for November 1984 the rate would be 42.6 cents per million Btu. The actual rate to be charged for the six-month period beginning November 1,

1984, would, as noted before, be based on the actual cost of service for the month of November 1984, it is asserted.

Applicant further states that volumes transported hereunder would not be included in the contrat unit of throughput depreciation formula set forth in Subsection 4.42 of its Rate Schedule T–1. Applicant states it would credit revenues from the proposed transportation service to its cost of service.

Northern Natural has advised Applicant that it is considering sources of gas supply in the Williston Basin area other than the identified sellers for delivery to Terra. Therefore, Applicant requests "flexible authority" to receive and transport volumes should Northern Natural obtain different sources of supply. The inclusion of this "flexible authority" would not result in a change in the end-user, the end-use location or the daily maximum volume. Further, Northern Natural has advised Applicant that it will file with the Commission any reports necessary to fully comply with the reporting requirements under Part 157, Subpart F, of the Commission's Regulations. Therefore, Applicant requests a waiver of any reporting requirements, if any, under Part 157, Subpart F, as the relate to the source of gas transported.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 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 Commissin on its own motion beleives 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 Doic. 84–21023 Filed 8–7–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–568–000]

Northwest Central Pipeline Corporation; Request Under Blanket Authorization

August 3, 1984.

Take notice that on July 12, 1984, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP84–568–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest Central proposes to transport natural gas for Frito-Lay, Inc. (Frito-Lay), under the authorization issued in Docket No. CP84–479–000 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 Central proposes to transport approximately 840 million Btu of natural gas per day on an interruptible basis for Frito-Lay for use in Frito-Lay's plant in Shawnee County, Kansas. Northwest Central states that Frito-Lay has entered into a gas purchase contract to purchase gas from Garfield Gas Gathering Company (Garfield) to be produced from wells in Oklahoma County, Oklahoma, and Cowley County, Kansas.

Northwest Central further states that it would receive the gas at existing delivery points in Oklahoma County, Oklahoma, and Cowley County, Kansas, and redeliver the gas to The Gas Service Company (Gas Service) for the account of Frito-Lay at an existing point of interconnection in Shawnee County, Kansas. Gas Service would then deliver the gas through its distribution system to Frito-Lay's plant, for use as boiler fuel.

Northwest Central would charge Frito-Lay for its service the rate provided in its currently effective FERC Gas Tariff, Original Volume No. 2, of 5.42 cents per Mcf per 100-mile billing unit.

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. 84–21024 Filed 8–7–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–571–000]

Northwest Pipeline Corporation; Application

August 3, 1984.

Take notice that on July 13, 1984, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84110, filed in Docket No. CP84–571–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain leasehold properties, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest requests any permission and approval deemed necessary to permit Northwest to abandon by sale to Mesa Grande Resources, Inc. (Mesa Grande), its ownership interests in certain leasehold properties which are located in the Gavilan Prospect, Rio Arriba County, New Mexico, and over which the Commission may have jurisdiction under the Natural Gas Act. Northwest states that the sale of such properties would be effectuated pursuant to an agreement for purchase and sale (Agreement), dated May 3, 1984, among Northwest, Northwest Exploration Company and Mesa Grande. Northwest indicates that the agreement provides for the sale of all of Northwest's leasehold properties located in Township 24 North, Ranges 1 West and 2 West; Township 25 North, Ranges 1 West and 2 West; and Township 26 North, Range 2 West, Rio Arriba County, New Mexico.

Northwest indicates that it acquired the leases which now are proposed to be transferred to Mesa Grande on February 1, 1974, as successor-in-interest to the Northwest System Division of El Paso Natural Gas Company and that the subject leases cover a gross area of over 6,800 acres in Rio Arriba County, New Mexico. It is stated that there are currently 35 oil and gas wells associated with the subject leases in which Northwest has an ownership interest. Northwest also states that during calendar year 1983, Northwest's leasehold production from these wells was approximately 160,000 Mcf and that Northwest's leasehold interest in the remaining recoverable natural gas reserves attributable to these wells is estimated to be approximately 3,000,000 Mcf.

Northwest avers that the subject production properties are not included in its rate base and that the production therefrom has been deemed to be sold to the transmission division of the company at the wellhead. Northwest also states that each of the wells which Northwest proposes to sell its interests has received or is pending final Commission approval for a maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA): three at the § 102 rate, one at the § 103 rate, and the remainder at the § 108 rate.

It is asserted that concurrently with the sale of leasehold properties under the Agreement, Northwest and Mesa Grande would enter into a gas purchase contract providing for the continued purchase by Northwest of the volumes of gas produced from properties sold to Mesa Grande. Northwest indicates that it would be obligated to purchase such gas at the lesser of a 50 percent take-or-pay level or at a level of allowables established by a proration order. It is also indicated that the price to be paid by Northwest for gas purchased under the gas purchase contract would be the lower of the applicable NGPA maximum lawful price or the current alternate fuel price. Northwest defines the alternative fuel price as 90 percent of the price of No. 6 fuel oil at Seattle, Washington, less Northwest's average gathering, processing and transportation costs.

Northwest assets that the subject proposal is consistent with the public convenience and necessity. Northwest states that the leasehold production which is currently committed to Northwest, including potential future development on the subject leases, would remain committed to Northwest under the gas purchase contract between Mesa Grande and Northwest. Also, it is stated that the cost of the gas purchased under the gas purchase contract will not exceed the value which Northwest could otherwise have placed on the gas. Therefore, Northwest concludes that the gas costs to Northwest's customers would not be adversely affected by this arrangement.

Northwest indicates that Mesa Grande would pay Northwest at closing $9,046,737.50 for the leasehold interests to be acquired.

Northwest also requests approval for the proration of revenues and expenses associated with the subject property transfer to be effective as of March 1, 1984.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without futher 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 Northwest to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-21025 Filed 8-7-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA84-2-6-000 and TA84-2-6-001]

Sea Robin Pipeline Company; Filing

August 2, 1984.

Take notice that on July 26, 1984, Sea Robin Pipeline Company (Sea Robin) tendered for filing a letter reflecting Sea Robin's understanding of agreements reached with the Federal Energy Regulatory Commission Staff to resolve the issues raised in the Commission's June 29, 1984, order (27 FERC ¶ 61,482).

Sea Robin and the Commission Staff had discussions on whether Sea Robin had complied with the Commission's new Standard PGA Format (FERC Form 542-PGA). In regard to the area of concern of submitting annualized quantity and cost data, Sea Robin stated that doubling its six-month figures would result in an annualized figure. In regard to the area of concern of identifying specific Natural Gas Policy Act subcategories to be listed on Schedule A, Sea Robin admits there was a programming oversight and that it failed to convert one of its internal codes to the new format. Sea Robin has amended its computer tape but not the hard copy. This filing advises all persons with hard copies of Sea Robin's May 31, 1984, filing that each place that the NGPA subcategory § 1025 appears on Exhibit C, Schedule A, the subcategory should be changed to § 1023.

With regard to the requirement that Sea Robin refile to exclude costs determined under Order Nos. 93 and 93-A, Sea Robin states that its Account No. 191 does not include any such costs, and therefore, no adjustment to its filing is required.

Sea Robin has mailed copies of this filing to all its customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-21026 Filed 8-7-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-552-000]

Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., et al., Joint Application

August 3, 1984.

Take notice that on July 6, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, hereinafter referred to jointly as Applicants, filed in docket No. CP84-552-000 a joint 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 and an exchange service between Applicants, all as more fully set forth in the joint application which is on file with the Commission and open to public inspection.

Applicants propose to exchange certain volumes of natural gas and Tennessee proposes to transport certain volumes of natural gas pursuant to a gas transportation and exchange agreement (Agreement) between Tennessee and Southern dated May 26, 1983, as amended December 19, 1983.

It is stated that Tennessee has the right to purchase certain quantities of natural gas produced from reserves located near Southern's pipeline facilities in Plaquemines, De Soto, and St. Mary Parishes, Louisiana. It is also stated that Southern has the right to purchase natural gas produced in the South Pass Area. It is explained that this gas is to be transported for Southern by Tennessee and Columbia Gulf Transmission Company (Columbia Gulf) through the Project South Pass 77 (SP 77) facilities jointly owned by Tennessee and Columbia Gulf and is to be delivered at the onshore terminus of the SP 77 facilities, where the proposed service would begin.

Pursuant to the provisions of the Agreement, Tennessee proposes to accept, as permitted in Tennessee's sole opinion by operating conditions on its system, up to 24,000 Mcf of natural gas per day for Southern at the onshore terminus of the SP 77 facilities in Plaquemines Parish, Louisiana. It is submitted that pursuant to an amendment dated December 19, 1983, to the Agreement, the transportation quantity of natural gas would become 22,400 Mcf per day on and after the first day of the calendar month following the date of initial deliveries of gas.

Southern proposes to receive daily, as permitted in Southern's sole opinion by operating conditions on its system, a quantity of natural gas for Tennessee at the point of interconnection between Southern's and Tennessee's (or its designee's) facilities at (1) Southern's measurement station near the LGS-Ladd LL+E No. 1 Well in Plaquemines Parish, Louisiana, (2) near Southern's Mile Post No. 120.83 on its Logansport Line in DeSoto Parish, Louisiana, and also at the point of interconnection between Southern's facilities and the line from MCOR No. 1 Well to Southern's Patterson Field Loop Line in St. Mary Parish, Louisiana (exchange points of delivery).

To the extent possible, Applicants propose to exchange gas on a thermally equivalent basis; however, it is explained that if the volume of gas available to Tennessee exceeds the thermal equivalent volume of gas delivered to Southern at the exchange points of delivery, Tennessee would deliver a thermally equivalent quantity of gas to Southern at the interconnection between Southern's and Tennessee's facilities at Meter No. 2-0294 near Pugh (Pugh point of delivery) in Lowndes County, Mississippi. Tennessee also proposes to deliver plant volume reduction (PVR), if any, to the Ycloskey Plant, St. Bernard Parish, Louisiana (Ycloskey point of delivery).

In accordance with the Agreement, there would be no charge for the exchange service. Applicants state that Southern would pay Tennessee for the transportation service.[1]

(1) a volume charge of 17.45 cents per Mcf of gas delivered at the Pugh point of delivery plus a charge equal to 6.38 cents per Mcf for the PVR delivered at the Ycloskey point of delivery, and

(2) a minimum monthly bill consisting of the volume charge of 17.45 cents multiplied by the minimum bill volume.

In addition, Southern would provide, at no cost to Tennessee, a daily volume of gas for Tennessee's system fuel and uses. Further, Southern proposes to construct and install a tap, meter station, and related facilities necessary to interconnect its Patterson Field Loop Line with a pipeline that would extend from the MCOR No. 1 Well to the Six Mile Lake exchange point.[2] Tennessee proposes to reimburse Southern for all actual costs, including overhead, incurred in the construction and installation of said facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1984, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in acccordance 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 party 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 or 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. 84-21027 Filed 8-7-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP-84-583-000]

Texas Gas Transmission Corporation; Request Under Blanket Authorization

August 3, 1984.

Take notice that on July 19, 1984, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street,

[1] As permitted by the Agreement, Tennessee's rates have been changed from those in the Agreement to reflect Tennessee's current costs, it is asserted.

[2] Southern states it would construct such facilities pursuant to its blanket authorization issued in Docket No CP80-406.

Owensboro, Kentucky 42301, filed a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that it proposes to construct and operate an offshore pipeline in the West Cameron area, offshore Louisiana, under its authorization issued in Docket No. CP–82–407–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Gas proposes to construct and operate 12.80 miles of offshore pipeline and associated facilities from Amoco Production Company's (Amoco) A platform in West Cameron area Block 294 to the existing 30–inch offshore system of ANR Pipeline Company (ANR) at the High Island Offshore System (HIOS) terminal platform in West Cameron area block 167, offshore Louisiana. It is stated that these facilities are required to attach new gas reserves estimated at 60,500,000 Mcf which have been purchased by Texas Gas from Amoco in West Cameron area Blocks 293, 294, 299, and 300. It is also stated that ANR would provide further transportation of Texas Gas' gas from West Cameron area Block 167 to a point onshore pursuant to an existing transportation agreement between Texas Gas and ANR .

It is indicated that the proposed facilities would be designed with a maximum capacity of 224,260 Mcf per day and would cost an estimated $8,436,000, which cost would be financed from funds on hand.

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 385.211) 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. 84–21028 Filed 8–7–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–537–000]

United Gas Pipe Line Company; Application

August 3, 1984.

Take notice that on July 2, 1984, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84–537–000 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 minor facilities as well as the transportation necessary to implement a direct interruptible sale of natural gas to Marathon Petroleum Company (Marathon), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell Marathon up to 25,000 Mcf of gas per day on an interruptible basis for use by Marathon for process heat in its refinery operations at Garyville, St. John the Baptist Parish, Louisiana. It is stated that the sale would be for an initial term ending January 1, 1985, and month to month thereafter until July 1, 1986. To provide the service, Applicant also proposes to construct and operate a sales tap, 200 feet of 6⅝-inch pipeline, together with metering and appurtenant facilities. It is estimated that the facilities would cost $270,026.

Applicant states that it has supplies substantially in excess of the current requirements of its firm market and that it is forced to continue to prorate supplies from its producers. Applicant avers that the interruptible sale to Marathon proposed herein will alleviate to some extent the potential take-or-pay exposure on account of such proration. Furthermore, it is stated that some or all of the gas would displace fuel oil now used in refinery operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 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. 84–21029 Filed 8–7–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF84–415–000]

Community Central Energy Corporation; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

August 3, 1984.

On July 13, 1984, Community Central Energy Coporation (Applicant), of 1120 South Washington Ave., Scranton, Pennsylvania, submitted for filing an application for certification of a facility as a qualifying congeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at 1220 North Washington Ave., Scranton, Pennsylvania. The primary energy source will be coal. The facility will consist of a single 150,000 pounds per hour anthracite waste fired fluid bed boiler rated 750 pounds per square inch and 750 degrees fahrenheit. The facility will also contain a single condensing steam turbine generator rated 14,000 kilowatts. The turbine will be designed for steam extraction to provide process steam supplementing other steam sales to customers in the city of Scranton.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene

or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-21016 Filed 8-7-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-376-000]

Corydon Gas and Oil Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

August 3, 1984.

On June 29, 1984, Corydon Gas and Oil Corp. (Applicant), of 7 Main Street, Bradford, Pennsylvania 16701, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal consitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Bradford Township in Bradford, Pennsylvania. The primary energy source will be natural gas. The electric power production capacity will be 1.2 megawatts. The facility will include two caterpillar G399 51-TA Engines with 650 kW, 60 Hz generators. Congeneration in conjunction with crude distillation plant and hot water production for heating homes and apartments, heating Bradford Township Fire Department and heating of crude and product before and after distillation.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-21018 Filed 8-7-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-421-000]

John R. Henry; Applications for Commission Certification of Qualifying Status of a Small Power Production Facility

August 3, 1984.

On July 18, 1984, John R. Henry (Applicant) of B-3 Las Gaviotas, Box 1128, Fajardo, Puerto Rico 00648, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 1.0 kW wind powered generating facility will be located at the residence of the Applicant.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-21021 Filed 8-7-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of July 13 Through July 20, 1984

During the Week of July 13 through July 20, 1984, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice of the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: August 1, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of July 13 through July 20, 1984]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 21, 1982	Laketon Asphalt Refining, Inc., Washington, DC	HEZ-0213	Interlocutory Order. If granted: Certain Department of Energy employees would be barred from participating in the Department of Interior's Application for Exception (Case No. HEE-0015).
Aug. 3, 1983	Laketon Asphalt Refining, Inc., Washington, DC	HEZ-0214	Interlocutory Order. If granted: The Office of Hearings and Appeals would reassign the Department of Interior's Application for Exception (Case No. HEE-0015) to an OHA official other than Thomas Wieker.
Mar. 21, 1984	Office of Special Counsel, Washington, DC	HRZ-0212	Interlocutory Order. If granted: The Office of Hearings and Appeals would accord no weight to certain affidavits filed by Texaco, Inc. in support of its objections to the May 1, 1979, Proposed Remedial Order issued to Texaco (Case No. DRO-0199).

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of July 13 through July 20, 1984]

Date	Name and location of applicant	Case No.	Type of submission
July 16, 1984	Knox Oil of Texas, Inc. & Michael L. Reed, Dallas, TX	HRH-0029	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Knox Oil of Texas, Inc. in response to the Apr. 30, 1984, Proposed Order issued to Knox Oil of Texas, Inc.
Do	Penberthy Electromelt International, Inc., Seattle, WA	HFA-0234	Appeal of An Information Request Denial. If granted: Penberthy Electromelt International, Inc. would receive access to the "Report of Investigation Seattle Department of Energy Contract Alleged DOE Corruption 83-76," dated Apr. 17, 1984, in its entirety, including any exhibits.
Do	Saxon Oil Co., Washington, DC	HRD-0224	Motion For Discovery. If granted: Discovery would be granted to Saxon Oil Company in connection with the Statement of Objections submitted in response to the Mar. 23, 1984, Proposed Remedial Order (Case No. HRO-0214) issued to Saxon Oil Co.
Do	Stellar Systems, San Jose, CA	HFA-0233	Appeal of An Information Request Denial. If granted: The Freedom of Information Request Denial issued by the Alburquerque Operations Office would be rescinded, and Stellar Systems would receive access to interagency memoranda in the possession of Sandia National Laboratories (RFQ No. 96-0463).
July 18, 1984	Atlantic Richfield Co., Los Angeles, CA	HRD-0225	Motion For Discovery. If granted: Discovery would be granted to Atlantic Richfield Company in connection with the Statement of Objections submitted in response to the Sept. 30, 1983, Proposed Remedial Order (Case No. HRO-0222) issued to Atlantic Richfield Co.
Do	Economic Regulatory Administration, Washington, DC	HRR-0093	Request for Modification/Rescission. If granted: The June 22, 1984, Decision and Order (Case No. DRO-0195) issued to Marathon Oil Company would be modified regarding interest liability and certain overcharge figures.
July 19, 1984	Atlantic Richfield Co., Los Angeles, CA	HRD-0226	Motion for Discovery. If granted: Discovery would be granted to Atlantic Richfield Company in connection with the Statement of Objections submitted in response to the Sept. 30, 1983, Proposed Remedial Order (Case No. HRO-0224) issued to Atlantic Richfield Co.

REFUND APPLICATIONS RECEIVED

[Week of July 13 to July 20, 1984]

Date	Name of refund proceeding/name of refund applicant	Case No.
July 16, 1984	Amoco/Rhode Island	RQ21-101
Do	Palo Pinto/West Virginia	RQ5-103
Do	Amoco/Indiana	RQ21-102
Do	Palo Pinto/Florida	RQ5-104
Do	Belridge/Florida	RQ8-105
Do	Amoco/Florida	RQ21-106
Do	Marion/Courtaulds North American, Inc.	RF37-11
July 17, 1984	Bob's Oil/Paschall's Service	RF38-2

[FR Doc. 84-21030 Filed 8-7-84; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of July 16, Through July 20, 1984

During the week of July 16 through July 20, 1984, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Refund Applications

Palo Pinto Oil & Gas/West Virginia, 7/19/84, RQ5-103

The Office of Hearings and Appeals issued a Supplemental Order rescinding Paragraph (8) of *Beldridge Oil Company/State of Arkansas*, 12 DOE ¶ ——, No. RQ8-00073 (July 13, 1984). That paragraph directed the DOE's Assistant Controller for Financial Systems and Accounting to disburse $5,684.97 to West Virginia. This sum represented West Virginia's refund from the Palo Pinto escrow account. The OHA determined that West Virginia had already received a refund from the Palo Pinto escrow account in 1983 pursuant to *Palo Pinto Oil and Gas/State of Iowa*, 11 DOE ¶85,151 (1983), and authorized West Virginia to use that refund in a manner consistent with the restitutionary plan aproved in the Decision and Order issued on July 13, 1984.

Sid Richardson Carbon & Gasoline Co./ Siouxland Propane Company, et al., 7/16/84, RF26-11, et al.

Siouxland Propane Company and six other firms filed an Application for Refund in which the firms sought a portion of the fund obtained by the DOE through a consent order entered into by the agency and the Sid Richardson Carbon and Gasoline Company and Richardson Products Company on January 24, 1983. In considering the request, the DOE found that, due to their small size, the firms were entitled to a refund based on the presumption methodology, for a total refund amount of $65,339 plus accrued interest.

Dismissals

The following submissions were dismissed:

Name and Case No.

Cordele Operating Company, HRO-0069, HRD-0074, HRH-0074, HRD-0147, HRH-0147, HRH-0152, HRD-0152, HRH-0019

Mount Airy Refining Co., BES-1651, BET-1651, BEE-1651

Peerless Petrochemicals, Inc., BEE-1654, BES-1654, BET-1654

Shepherd Oil, Inc., BEE-1655, BES-1655, BET-1655

Vicksburg Refining, Inc., BEE-1656, BES-1656, BET-1656

Wellen Oil, Inc., DRO-0360, BRZ-0085

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: August 1, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 84-21031 Filed 8-7-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-385; OPP-FRL-2648-6]

Certain Companies; Pesticide Tolerance Petitions; Janssen Pharmaceutical, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment and/or amendment of tolerances for certain pesticide chemicals in or on certain raw agricultural commodities.

ADDRESS: By mail, submit comments identified by the document control number [PF-385] and the petition number, attention Product Manager (PM-21), at the following address:

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

In person, bring comments to:

Information Services Section (TS-757C), Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

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

FOR FURTHER INFORMATION CONTACT:

By mail: Henry Jacoby, PM-21, Registration Division (TS-767C), Environmental Protection Agency, Office of Pesticide Programs, 401 M St. SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 229, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA has received pesticide (PP), and feed additive (FAP) petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain raw agricultural commodities.

I. Initial Filings

1. *PP 4F3096.* Janssen Pharmaceutical, 40 Kingsbridge Rd., Piscataway, NJ 08854. Proposes amending 40 CFR 180.413 by establishing tolerances for the combined residues of the fungicide imazalil (1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1*H*-imidazole and its metabolite 1-(2,4-dichlorophenyl)-2-(1*H*-imidazole-1-yl)-1-ethanol) in or on pome fruits (postharvest) at 7.0 per million (ppm). The proposed analytical method for determining residues is gas liquid chromatography with electron capture detector.

2. *FAP 4H5434.* Janssen Pharmaceutical. Proposed amending 21 CFR 561.429 by establishing a regulation permitting residues of imazalil in or on the commodity apple pomace (wet/dry), (postharvest) at 30 ppm.

3. *PP 4F3108.* Elanco Products Co., A Division of Eli Lilly and Co., 740 S. Alabama St., Indianapolis, IN 46285. Proposes amending 40 CFR Part 180 by establishing tolerances for residues of the fungicide fenarimol (alpha-[2-chlorophenyl]-alpha-[4-chlorophenyl]-5-pyrimidinemethanol) in or on the following commodities:

Commodities	Parts per million (ppm)
Apples	0.1
Fat and liver of cattle, goats, hogs, horses, and sheep	0.1
Meat, and meat byproducts (mbyp) (except fat and liver) of cattle, goats, hogs, horses, and sheep	0.01

The proposed analytical method for determining residues is gas chromatography using an electron capture detector.

II. Amended Petition

PP 2F2590. EM Industries Inc., 5 Skyline Drive, Hawthorne, NY 10532. EPA issued a notice published in the **Federal Register** of December 16, 1981 (46 FR 61331), which announced that EM Industries Inc. had submitted PP 2F2590 to the Agency proposing to amend 40 CFR 180.382 by establishing tolerances for residues of the fungicide triforine [*N,N'*-[1,4-piperazinediyl-bis(2,2,2-trichloroethylidene)]-bis-[formamide]] in or on the raw agricultural commodities almonds at 0.01 ppm, and almond hulls at 0.1 ppm. The almond hulls proposed tolerance was subsequently amended to 0.2 ppm (48 FR 52974, November 23, 1983).

EM Industries Inc. has further amended the petition by proposing tolerances on the following commodities:

Commodities	Parts per million (ppm)
Fat, meat, and mbyp of cattle, goats, horses, and sheep	0.01
Milk	0.01

The proposed analytical method for determining residues is gas chromatography.

(Secs. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)), 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(11)))

Dated: July 30, 1984.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-20870 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

[PF-386; OPP-FRL-2648-7]

Rohm & Haas Co.; Pesticide Tolerance Petitions; Rohm and Haas Co.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment of tolerances for residues of the herbicide oxyfluorfen and its metabolites in or on certain commodities.

ADDRESS: By mail submit comments identified by the document control number [PF-386] and the petition number, attention Product Manager (PM-23), at the following address:

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

In person, bring comments to:

Information Services Section (TS-757C), Environmental Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed in response to this

notice will be available for public inspection in the Information Services Section office at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Richard Mountfort (PM–23), Registration Division (TS–767C), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 235, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions (PP) from Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing to amend 40 CFR 180.381 by establishing tolerances for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage; in or on certain commodities as follows:

Petion ID	Commodities	Parts per million (ppm)
PP 4F3115	Pome fruits crop group	0.05
PP 4F3116	Stone fruits group (apricots, cherries, nectarines, peaches, plums (fresh prunes)) vice the present listings for "cherries at 0.05 ppm" and "stone fruits (apricots, nectarines, peaches, plums, (fresh prunes)) at 0.05 ppm".	0.05
PP 4F3117	Avocados, dates, kiwis, olives, pomegranates.	0.05
PP 4F3118	Artichoke	0.05
PP 4F3119	Tree nuts crop group (except almond hulls).	0.05
	Almond hulls	0.1

The proposed analytical method for determining residues is gas chromatography.

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

Dated: July 30, 1984.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84–20671 Filed 8–7–84; 8:45 am]

BILLING CODE 6560–50–M

[OPP–50621; OPP–FRL–2648–8]

Issuance of Experimental Use Permits; Albany International, Inc., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: By mail, the product manager cited in each experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

36638–EUP–7. Issuance. Albany International, 100 A St., Needham Heights, MA 02194. This experimental use permit allows the use of 40.56 pounds of the biological insecticides (z)-11-hexadecenal and (z)-9-tetradecenal in or on white corn and sweet corn to evaluate the control of various insects. A total of 11,000 acres are involved; the program is authorized only in the States of Florida and Texas. The experimental use permit is effective from April 6, 1984 to April 6, 1985. A temporary exemption from the requirement of a tolerance for residues of the active ingredients in or on white corn and sweet corn has been established. (Timothy Gardner, PM 12, Rm. 207, CM#2 (703–557–2690))

8340–EUP–6. Extension. American Hoechst Corporation, Route 202–206 North, Somerville, NJ 08876. This experimental use permit allows the use of the insecticide [1R,[1(S*)3(RS*)]]-2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)cyclopropanecarboxylic acid alpha-cyano-(3-phenoxyphenyl) methyl ester on cotton to evaluate the control of various insects. A total of 14,100 acres are involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, and Tennessee. The experimental use permit is effective from April 27, 1984 to April 27, 1985. A temporary tolerance for residues of the active ingredient in or on cottonseed has been established. (Timothy Gardner, PM 12, Rm. 207, CM#2, (703–557–2690))

7969–EUP–20. Issuance. BASF Wyandotte Corporation, 100 Cherry Hill Road, Parsippany, NY 07054. This experimental use permit allows the use of 4.29 pounds of the plant growth regulator N,N-dimethylpiperidinium chloride on cotton to evaluate ultra low volume aerial spray. A total of 65 acres are involved; the program is authorized only in the States of Alabama, Arizona, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas. The experimental use permit is effective from June 26, 1984 to June 26, 1985. This permit is issued with the limitation that all treated crops are destroyed or used for research purposes only. (Robert Taylor, PM 25, Rm. 245, CM#2 (703–557–1800))

464–EUP–82. Issuance. Dow Chemical Company, 9008 Building, P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 8,400 pounds of the herbicide triclopyr on pastures to evaluate the control of various weeds. A total of 9,500 acres are involved; the program is authorized only in the States of New Mexico, Oklahoma, and Texas. The experimental use permit is effective from June 14, 1984 to June 14, 1985. A temporary tolerance for residues of the active ingredient in or on forage, grasses, and hay has been established. (Robert Taylor, PM 25, Rm. 245, CM#2 (703–557–1800))

35977–EUP–4. Issuance. Maag Agrochemicals, Inc., P.O. Box X, Vero Beach, FL 32961. This experimental use permit allows the use of .95 pound of the insecticides 2-(1-methyl-ethoxy) phenol methylcarbamate, ethyl[2-(p-phenoxyphenoxy)-ethyl]carbamate, and dichlorvos in homes, apartments, and other residential areas to evaluate the control of roaches. A total of 15 homes, apartments, and other residential areas are involved; the program is authorized only in the States of California, Florida, Indiana, and Texas. (Timothy Gardner, PM 17, Rm. 207, CM#2 (703–557–2690))

35977–EUP–5. Issuance. Maag Agrochemicals, Inc., P.O. Box X, Vero Beach, FL 32961. This experimental use permit allows the use of .18 pound of the insecticides piperonyl butoxide technical, pyrethrins, tetramethrin, N-octyl bicycloheptene dicarboximide, and ethyl[2-(p-phenoxyphenoxy)ethyl]-carbamate in homes, apartments, and other residential areas to evaluate the control of fleas. A total of 15 homes, apartments, and other residential areas are involved; the program is authorized only in the States of California and Florida. (Timothy Gardner, PM. 17, Rm. 207, CM#2, (703–557–2690))

35977–EUP–6. Issuance. Maag Agrochemicals, Inc., P.O. Box X, Vero Beach, FL 32961. This experimental use permit allows the use of 3.0 pounds of the insecticides piperonyl butoxide, pyrethrins, N-octyl bicycloheptene dicarboximide, and ethyl[2-(p-phenoxyphenoxy)ethyl] carbamate in homes, apartments, and other

residential areas to evaluate the control of roaches and fleas. A total of 15 homes, apartments, and other residential areas are involved; the program is authorized only in the States of California, Florida, Indiana, and Texas. This experimental use permit and the two above are effective from May 11, 1984 to May 11, 1985. The permits are issued with the limitation that none of the material will enter the food chain. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703–577–2690))

3125–EUP–189. Issuance, Mobay Chemical Corporation, P.O. Box 4913, Hawthorn Road, Kansas City, MO 64120. This experimental use permit allows the use of 60 pounds of the inset growth regulator 2-chloro-N-[[[4-(trifluoromethoxy) phenyl]amino]carbonyl]benzamide on cotton to evaluate the control of various cotton insects. A total of 150 acres are involved; the program is authorized only in the State of South Carolina. The experimental use permit is effective from May 7, 1984 to May 7, 1985. This permit is being issued with the limitation that all treated crops are destroyed or used for research purposes only. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703–557–2690))

524–EUP–30. Issuance. Monsanto Company, 1101 17th St., NW., Washington, D.C. 20036. This experimental use permit allows the use of 935.5 pounds of the insecticide butachlor on rice to evaluate the control of various weeds. A total of 343 acres are involved; the program is authorized only in the States of Arkansas, Louisiana, Mississippi, and Texas and the Territory of Puerto Rico. The experimental use permit is effective from June 26, 1984 to June 26, 1986. This permit is issued with the limitation that all treated crops are destroyed or used for research purposes only. (Robert Taylor, PM 25, Rm. 245, CM#2, (703–557–1800))

11273–EUP–33. Issuance. Sandoz Company, 975 California Ave., Palo Alto, CA 94304. This expeimental use permit allows the use of 253.46 pounds of the herbicide 2-methoxy-N-(2-oxo-1,3-oxazolidin-3yl) acet-2',6'-xylidide and a combination product of ethylene bisdithiocarbamate ion, manganese, and zinc on potatoes to evaluate the control of early and late blight. A total of 44 acres are involved; the program is authorized only in the States of Florida, Idaho, Maine, Michigan, Minnesota, New York, North Dakota, Oregon, Washington, and Wisconsin. The experimental use permit is effective from June 18, 1984 to April 30, 1985. Temporary tolerances for residues of the active ingredients in or on potatoes have been established. (Henry Jacoby, PM 21, Rm 229 CM#2, (703–557–1900))

20954–EUP–21. Issuance. Zoecon Corporation, 975 California Ave., Palo Alto, CA 94304. This experimental use permit allows the use of 206.4 pounds of the insecticide (alpha *RS,2R)-fluvalinzate [(RS)*-alpha-cyano-3-phenoxybenzyl (*R*)-2-[2-chloro-4-(trifluoromethyl)anilino]-3-methylbutanoate on various crops and forage to evaluate the control of various insects. A total of 4,100 acres are involved; the program is authorized only in the States of Arizona, California, Colorado, Florida, Mississippi, New Mexico, Oklahoma, Oregon, Texas, and Washington. The experimental use permit is effective from June 15, 1984 to June 15, 1985. This permit is issued with the limitatioin that all treated crops are destroyed or used for research purposes only. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703–557–2690))

20954–EUP–29. Issuance. Zoecon Corporation, 975 California Ave., Palo Alto, CA 94304. This experimental use permit allows the use of 91 pounds of the insecticide (alpha *RS,2R)*-fluvalinate [(RS)-alpha-cyano-3-phenoxybenzyl(*R*)-2-[2-chloro-4-(trifluoromethyl)anilino]-3-methylbutanoate on various crops to evaluate the control of various insects. A total of 556 acres are involved; the program is authorized only in the States of Arizona, California, Colorado, Georgia, Idaho, Illinois, Indiana, Maine, Michigan, Minnesota, Montana, Nevada, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming. The experimental use permit is effective from May 11, 1984 to May 11, 1985. This permit and the one above are issued with the limitation that all treated crops are destroyed or used for research purposes only. (Timothy Gardner, PM 17, RM. 207, CM#2, (703–557–2690))

Persons wishing to review these experimental use permits are referred to the designated products managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, Pub L. 95–396; 92 Stat. 828 (7 U.S.C. 136c)).

Dated: July 25, 1984

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84–20873 Filed 8–7–84; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180656; FRL–2649–1]

Florida Department of Agriculture and Consumer Services; Receipt of Application for Specific Exemption To Use a Pesticide for an Unregistered Use; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On June 21, 1984, EPA received a specific exemption request from the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant" for a specific exemption to use the active ingredient avermectin B (Avid 0.15 EC) to control spider mites, leafminers and aphids on 2,837 acres of ornamental flowers and foliage in Florida. EPA is soliciting comment before making the decision whether or not to grant this specific exemption.

DATE: Comments must be received on or before September 7, 1984.

ADDRESS: Written comments by mail to:

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

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

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

FOR FURTHER INFORMATION CONTACT:

By mail: Libby Welch, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection

Agency, 401 M St., SW., Washington, D.C. 20460.
Office location and telephone number: Rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1192).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of the unregistered insecticide, avermectin B, manufactured as Avid 0.15 EC, to control spider mites, leafminers, and aphids throughout Florida. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

According to the Applicant, approximately 2,837 acres of chrysanthemums, serbera daisies, snapdragons, gypsophila and foliage will be planted in Florida during the 1984 crop year. It is stated that the Florida ornamental crop has been infested annually since the late 1940's by serpentine leafminers and since the 1960's by two-spotted spider mites. The degree of uncontrollable infestation has increased significantly in the last year according to the Applicant. The affected crops are sold for their aesthetic qualities. The plants must be free of unsightly miners and mites in order to warrant market price, if the plant remains salable at all.

The Applicant predicts that this situation will continue and even worsen permanently because of the development of insecticide resistance.

The Applicant states that the following alternative insecticides no longer effective for this use are: Oxamyl, diazinon, malathion, fluvalinate, chlorpyrifos, resmethrin, methoprene, oxydisulfoton, demeton, oxydemeton, methomyl, aldicarb, methyl parathion and permethrin.

The Applicant states that widespread use of these insecticides has resulted in the development of resistance to these chemicals and their consequent loss as control measures. It is estimated that treatment of affected acreage with Avid 0.15 EC in 1984 could save Florida growers at least $23 million.

The Applicant proposes to treat 2,837 acres of ornamental flowers and foliage throughout the State. Applications will occur throughout the year with no more than 141.5 pounds of active ingredient to be used.

This notice does not constitute a decision by EPA on the application itself. It is the Agency's policy to solicit public comment on applications involving new chemicals. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before September 7, 1984, and should bear the identifying notation "OPP–180656." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by Florida.

Dated: July 27, 1984.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 84–20872 Filed 8–7–84; 8:45 am]

BILLING CODE 6560–50–M

[OPP–50620; FRL–2648–5]

Issuance of Experimental Use Permits; E. I. du Pont de Nemours and Co., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: By mail, the product manager cited in each experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

352–EUP–118. Issuance. E.I. de Pont de Nemours and Company, Wilmington, DE 19898. This experimental use permit allows the use of 44.1 pounds of the fungicide bis(4-fluorophenyl)methyl(1H–1,2,4-triazol-1-ylmethyl)silane on peanuts to evaluate the control of early and late leafspot. A total of 50 acres are involved; the program is authorized only in the States of Alabama, Florida, and Georgia. The experimental use permit is effective from June 1, 1984 to June 1, 1985. This permit is being issued with the limitation that all treated crops are destroyed or used for research purposes only. (Henry Jacoby, PM 21, Rm. 229, CM#2, (703–557–1900))

1471–EUP–51. Amendment. Elanco Products Company, 740 S. Alabama St., Indianapolis, IN 46285. A notice was published in the **Federal Register** of May 2, 1984 (49 FR 18782), pertaining to the extension of an experimental use permit, 1471–EUP–51, to Elanco Products Company, at the request of the company, the permit has been amended by reallocating amounts of the active ingredient between States and eliminating the States of Alabama, Florida, and Georgia. The experimental use permit allows the use the 40 pounds of the fungicide fenarimol on roses and ornamentals to evaluate the control of powdery mildew. A total of 640 acres are involved; the program is now authorized only in the States of Arizona, California, Colorado, Indiana, Maryland, New York, Pennsylvania, Oregon, Washington, and Texas. The experimental use permit is effective from February 27, 1984 to March 31, 1985. (Henry Jacoby, PM 21, Rm. 229, CM#2, (703–557–1900))

45639–EUP–21. Issuance. NOR–AM Chemical Company, 3509 Silverside Rd., P.O. Box 7495, Wilmington, DE 19803. This experimental use permit allows the use of 80 pounds of the insecticide bendiocarb on non-cropland to evaluate the control of adult mosquitoes. A total of 8,000 acres are involved; the program is authorized only in the States of Arkansas, California, Florida, Georgia, Louisiana, and Texas. The experimental use permit is effective from June 25, 1984 to June 25, 1985. (Jay Ellenberger, PM 21, Rm. 202, CM#2, (703–557–2386))

707–EUP–100. Extension. Rohm and Haas Company, Independence Mall West, Philadelphia, PA 19105. This experimental use permit allows the use of 65,280 pounds of the fungicide zinc ion and manganese ethylene bisdithiocarbamate on soybeans to evaluate the control of various soybean diseases. A total of 13,700 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, North Carolina,

Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from June 29, 1984 to March 31, 1985. Temporary tolerances for residues of the active ingredients in or on soybeans have been extablished. (Henry Jacoby, PM 21, Rm. 229, CM#2, (703–557–1900))

49538–EUP–1. Extension. Source Technology Biologicals, Inc., 2850 Metro Drive, Suite 800, Bloomington, MN 55420. This experimental use permit allows the use of eight gallons of the fungicide copper sulphate pentahydrate on trees to evaluate the control of Dutch elm disease and oak wilt. A total of 150 trees are involved; the program is authorized only in the State of Minnesota. The experimental use permit is effective from June 11, 1984 to October 31, 1984. (Henry Jacoby, PM 21, Rm. 229, CM#2, (703–557–1900))

20954–EUP–19. Extension. Zoecon Corporation, 975 California Ave., Palo Alto, CA 94304. This experimental use permit allows the use of 3,720 pounds of the insecticide [alpha *RS,2R*)-fluvalinate [(RS)-alpha-cyano-3-phenoxybenzyl (*R*)-2-[2-chloro-4-(trifluoromethyl)-anilino]-3-methylbutanoate] on cotton to evaluate the control of various insects. A total of 12,000 acres are involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from May 15, 1984 to May 15, 1985. A temporary tolerance for residues of the active ingredient in or on cotton has been established. (Timothy Garnder, PM 17, Rm. 207, CM#2, (703–557–2690))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, Pub. L. 95–396; 92 Stat. 828 (7 U.S.C. 136c))

Dated: July 30, 1984.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84–20844 Filed 8–7–84; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180650; FRL–2650–4]

Emergency Exemptions; California Department of Food and Agriculture, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests to 17 States, Puerto Rico, and the U.S. Department of Agriculture as listed below, during the period of May 10, 1984 to June 11, 1984. Also listed are three crisis exemptions and a quarantine exemption granted to the U.S. Department of Agriculture. These exemptions are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific, crisis and quarantine exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific, crisis and quarantine exemption for the name of the contact person. The following information applies to all contact people.

By mail: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. California Department of Food and Agriculture for the use of carbofuran on artichokes to control the cribrate weevil; June 11, 1984 to December 31, 1984. (Gene Asbury)

2. California Department of Food and Agriculture for the use of methiocarb on wild rice to repel birds; June 4, 1984 to October 31, 1984. (Jim Tompkins)

3. California Department of Food and Agriculture for the use of triadimefon on blackberries, boysenberries, and raspberries to control powdery mildew; June 4, 1984 to December 31, 1984. (Jack E. Housenger)

4. California Department of Food and Agriculture for the postharvest use of iprodione on sweet cherries to control fruit decay; May 23, 1948 to August 15, 1984. (Jack E. Housenger)

5. California Department of Food and Agriculture for the use of imazalil on black-eyed beans to control *Thielaviopsis basicola* (black root rot); May 21, 1984 to September 1, 1984. (Libby Welch)

6. Colorado Department of Agriculture for the use of fluazifop-butyl on dry bulb onions to control postemergent grass; June 5, 1984 to August 2, 1984. (Jim Tompkins)

7. Colorado Department of Agriculture for the use of sethoxydim on sugarbeets to control wild proso millet, shattercane, and quackgrass; June 11, 1984 to July 15, 1984. (Libby Welch)

8. Idaho Department of Agriculture for the use of S-(2,3,3-trichloroallyl) diisopropylthiocarbamate on chickpeas to control wild oats; May 22, 1984 to June 30, 1984. (Jim Tompkins)

9. Idaho Department of Agriculture for the use of carbofuran on hops to control strawberry root and black vine weevils; May 25, 1984 to July 31, 1984. (Gene Asbury)

10. Idaho Department of Agriculture for the use of methiocarb on grapes grown for wine to control depredating birds; May 17, 1984 to November 1, 1984. (Gene Asbury)

11. Maryland Department of Agriculture for the use of fenamiphos on strawberry plants to control nematodes; May 22, 1984 to July 15, 1984. (Jim Tompkins)

12. Montana Department of Agriculture for the use of sethoxydim on sugarbeets to control wild oats; June 11, 1984 to June 30, 1984. (Libby Welch)

13. Nebraska Department of Agriculture for the use of fluazifop-butyl on dry bulk onions to control grassy weeds; June 11, 1984 to August 30, 1984. (Gene Asbury)

14. Nebraska Department of Agriculture for the use of sethoxydim on dry beans to control wild proso millet; June 11, 1984 to October 31, 1984. (Libby Welch)

15. New Jersey Department of Environmental Protection for the use of sethoxydim on onions to control large crabgrass, fall panicum, barnyardgrass and foxtail spp.; authorized in those instances where allidochlor not available; May 10, 1984 to October 1, 1984. (Jack E. Housenger)

16. New Jersey Department of Environmental Protection for the use of propargite on sweet corn to control two-spotted spider mites; May 10, 1984 to September 30, 1984. (Libby Welch)

17. New York Department of Environmental Conservation for the use of sodium fluoaluminate on potatoes to control Colorado potato beetles; June 8, 1984 to September 30, 1984. (Gene Asbury)

18. North Carolina Department of Agriculture for the use of vinclozolin on

peanuts to control *Sclerotinia* blight; June 4, 1984 to September 30, 1984. (Libby Welch)

19. North Dakota Department of Agriculture for the use of fenvalerate on sunflowers to decrease bee losses when controlling the sunflower beetle and the sunflower seed weevil; June 11, 1984 to August 31, 1984. (Jack E. Housenger)

20. Ohio Department of Agriculture for the use of thiobencarb on lettuce, endive, and escarole grown in muck soils to control common purslane, redroot, pigweed, Pennsylvania smartweed and fall panicum; May 20, 1984 to September 15, 1984. (Jack E. Housenger)

21. Ohio Department of Agriculture for the use of acephate on leafy lettuce to control green peach aphids; June 5, 1984 to October 1, 1984. (Jim Tompkins)

22. Ohio Department of Agriculture for the use of sethoxydim on dry bulb onions to control fall panicum, large crabgrass, and barnyardgrass; May 10, 1984 to September 1, 1984. (Jack E. Housenger)

23. Oregon Department of Agriculture for the use of iprodione on wine grapes to control *Botytis* bunch rot; May 25, 1984 to December 1, 1984. (Gene Asbury)

24. Oregon Department of Agriculture for the use of vinclozolin on caneberries (including raspberries, blackberries, youngberries, boysenberries, and loganberries) to control *Botrytis* fruit rot; May 14, 1984 to September 30, 1984. (Gene Asbury)

25. Oregon Department of Agriculture for the use of chlorothalonil on cranberries to control lophodermium twig blight; June 8, 1984 to March 31, 1985. (Jack E. Housenger)

26. Pennsylvania Department of Agriculture for the use of anilazine on watercress to control leaf spot; May 14, 1984 to October 31, 1984. (Libby Welch)

27. Puerto Rico Department of Agriculture for the use of amitraz on cattle (beef and dairy) and goats to control ticks; May 27, 1984 to May 27, 1985. (Jack E. Housenger)

28. Virginia Department of Agriculture and Consumer Services for the use of methiocarbon grapes grown for wine to control depredating birds; May 17, 1984 to November 1, 1984. (Gene Asbury)

29. Washington Department of Agriculture for the use of S-(2,3,3-trichloroallyl) diisopropylthiocarbamate on chickpeas (garbanzo beans) to control wild oats; May 22, 1984 to June 30, 1984. (Gene Asbury)

30. Washington Department of Agriculture for the use of methiocarbon wine grapes to control depredating birds; June 11, 1984 to November 30, 1984. (Gene Asbury)

31. Washington Department of Agriculture for the use of iprodione on wine grapes to control bunch rot; May 25, 1984 to December 1, 1984. (Libby Welch)

32. West Virginia Department of Agriculture for the use of anilazine on watercress to control leaf spot; May 14, 1984 to October 31, 1984. (Libby Welch)

33. Wisconsin Department of Agriculture, Trade and Consumer Protection for the use of diazinon on cultivated American ginseng to control soil insects; May 22, 1984 to January 1, 1985. (Jim Tompkins)

34. Wisconsin Department of Agriculture, Trade and Consumer Protection for the use of diazinon on cultivated American ginseng to control foliar-feeding insects; May 22, 1984 to January 1, 1985. (Jim Tompkins)

35. Wisconsin Department of Agriculture, Trade and Consumer Protection for the use of maneb on cultivated ginseng to control leaf and stem blight; May 22, 1984 to November 1, 1984. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the **Federal Register** of October 27, 1982 (47 FR 47669). (Jim Tompkins)

36. Wisconsin Department of Agriculture, Trade and Consumer Protection for the use of methiocarb on cultivated American ginseng to control slugs; May 24, 1984 to November 1, 1984. (Jim Tompkins)

37. U.S. Department of Agriculture (APHIS), for the use of carbaryl on nursery stock, vegetable transplants, foliage plants, and bedding plants to control imported fire ants in Alabama, Arizona, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina and Texas; June 11, 1984 to June 1, 1985. (Libby Welch)

Crisis exemptions were initiated by the:

1. Minnesota Department of Agriculture on May 30, 1984, for the use of fluazifop-butyl on sugarbeets to control weeds. Since it was anticipated that this program would be needed for more than 15 days, Minnesota has requested a specific exemption to continue the program. (Libby Welch)

2. Office of the Governor, North Dakota, on May 29, 1984 for the use of fluazifop-butyl on sugarbeets to control weeds. Since it was anticipated that this program would be needed for more than 15 days, North Dakota has requested a specific exemption to continue it. The need for this program is expected to last until July 15, 1984. (Libby Welch)

3. Texas Department of Agriculture on May 11, 1984, for the use of monocrotophos on corn (except sweet corn) to control the Banks grass mite. Since it was anticipated that this program would be needed for more than 15 days, Texas has requested a specific exemption to continue the program. (Libby Welch)

A quarantine exemption was granted to the U.S. Department of Agriculture (APHIS) for the use of naled on inanimate objects to eradicate the peach fruit fly in California; June 4, 1984 to June 4, 1985. The U.S. Department of Agriculture had initiated a crisis exemption for this use. (Jack E. Housenger)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: July 27, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 84-20988 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180655; FRL-2650-3]

Emergency Exemptions; Illinois Department of Agriculture, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests in the States listed below, during the period of June 15, 1984 to June 22, 1984. Also listed are three crisis exemptions initiated by two States and the U.S. Department of Agriculture. These exemptions are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific and crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. The following information applies to all contact people.

By mail: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Illinois Department of Agriculture for the use of permethrin on pumpkins to

control squash bugs; June 22, 1984 to November 1, 1984. (Stan Austin)

2. Missouri Department of Agriculture for the use of methiocarb on wine grapes to control depredating birds; June 22, 1984 to November 30, 1984. (Gene Asbury)

3. Rhode Island Department of Environmental Management for the use of sodium fluoaluminate on potatoes to control Colorado potato beetles; June 18, 1984 to September 30, 1984. (Gene Asbury)

Crisis exemptions were initiated by the:

1. Oklahoma Department of Agriculture on June 15, 1984, for the use of sethoxydim on peanuts to control grassy weeds. Since it was anticipated that this program would be needed for more than 15 days, Oklahoma has requested a specific exemption to continue it. The need for this program is expected to last until August 1, 1984. (Libby Welch)

2. Texas Department of Agriculture on June 19, 1984, for the use of sethoxydim on peanuts to control grassy weeds. Since it was anticipated that this program would be needed for more than 15 days, Oklahoma has requested a specific exemption to continue it. The need for this program is expected to last until August 15, 1984. (Libby Welch)

3. U.S. Department of Agriculture on June 20, 1984, for the use of sethoxydim on asparagus to control crabgrass as a host of witchweed in North Carolina. The need for this program has ended. (Jim Tompkins)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: July 30, 1984.

Steven Schatzow,

Office of Pesticide Programs.

[FR Doc. 84-20990 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

[PP 2G614/T461; DPP-FRL 250-2]

Rohm and Haas Co.; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended a temporary tolerance for the combined residues of the fungicide mancozeb in or on the raw agricultural commodity soybeans.

DATE: This temporary tolerance expires March 31, 1985.

FOR FURTHER INFORMATION CONTACT:

By mail: Henry Jacoby, Production Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm 229, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice, which was published in the **Federal Register** of July 26, 1982 (47 FR 32608), announcing the establishment of a temporary tolerance for the combined residues of the fungicide mancozeb (a coordination product of zinc ion and manganese ethylenebisdithiocarbamate containing 20 percent manganese, 2.5 percent zinc and 77.5 percent ethylenebisdithiocarbamate) in or on the raw agricultural commodity soybeans at 0.2 part per million (ppm). This temporary tolerance was issued in response to pesticide petition PP 2G2614, submitted by Rohm and Haas Company, Independent Mall West, Philadelphia, PA 19105.

. This temporary tolerance has been extended to permit the continued marketing of the raw agricultural commodity named above when treated in accordance with the provisions of experimental use permit 707-EUP-100, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm & Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires March 31, 1985. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicates that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated : July 30, 1984.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-20989 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL-2649-6]

Approval of Modification of Prevention of Significant Air Quality Deterioration (PSD) Permit to CertainTeed Corporation (EPA Project Number SJ 80-02)

AGENCY: Environmental Protection Agency EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that on November 30, 1983 the Environmental Protection Agency modified the PSD permit (which was originally issued on June 22, 1981) for the applicant named above granting approval to construct a fiberglass manufacturing facility located in Chowchilla, California. This permit was issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including an allowable emission rate as follows: Particulate Matter at 22.8 lbs/hr, SO_2 at 54 lbs/hr, and NO_x at 55.9 lbs/hr. The permit was modified to allow the firing of natural gas in the glass furnace.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address request to: Rhonda Rothschild (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San

Francisco, CA 94105, 8–454–7413 or (415) 974–7413.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include an electrostatic precipitator and the use of low sulfur oil or natural gas. Air Quality Impact modeling was not required. Continuous monitoring is required and the source is not subject to new Source Performance Standards.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by October 9, 1984.

Dated: July 27, 1984.

Carl C. Kohnert,

Acting Director, Air Management Division, Region 9.

[FR Doc. 84–20987 Filed 8–7–84; 8:45 am]

BILLING CODE 6560–50–M

[A–9–FRL–2649–5]

Approval of Modification of Prevention of Significant Air Quality Deterioration (PSD) Permit to Creole Corporation (EPA Project Number SE 78–09)

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that on April 20, 1984 the Environmental Protection Agency modified the PSD permit (which was originally issued on May 20, 1980) for the applicant named above granting approval to construct a portland cement plant to be located in Imperial County, California. The permit was issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including an allowable emission rate as follows: SO_2 at 52.2 lbs/hr when firing primary supply coal and 159.3 lbs/hr when firing secondary supply coal, and NO_x at 213 lbs/hr. The applicant was required to update the BACT prior to approval of a second time extension for construction of the facility.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address request to: Rhonda Rothschild (M–5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, 8–454–7413 or (415) 974–7413.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include cement manufacturing process and the installation of in-stack continuous monitors. Air Quality Impact modeling was not required. Continuous monitoring is required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by October 9, 1984.

Dated : July 27, 1984.

Carl C. Rohnert,

Acting Director, Air Management Division, Region 9.

[FR Doc. 84–20994 Filed 8–7–84; 8:45 am]

BILLING CODE 6560–50–M

[A–9–FRL–2649–5]

Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to American Forest Products (EPA Project Number SJ 83–04)

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that on November 11, 1983 the Environmental Protection Agency issued a PSD permit to the applicant named above granting approval to construct a wood and coke-fired cogeneration facility to be located at their existing sawmill in Amador County, California. This permit has been issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including an allowable emission rate as follows: TSP at 4.9 lbs/hr, SO_2 at 36.25 lbs/hr, NO_x at 78 lbs/hr, CO at 45 lbs/hr, and VOC at 29 lbs/hr.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address request to: Rhonda Rothschild (M–5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, 8–454–7413 or (415) 974–7413.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirement include cyclones, a baghouse, and the addition of limestone to the fluidized bed combustor. Air Quality Impact modeling was required for TSP, SO_2, NO_x, and CO. Continuous monitoring is required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by October 9, 1984.

Dated: July 27, 1984.

Carl C. Kohnert,

Acting Director, Air Management Division, Region 9.

[FR Doc. 84–20995 Filed 8–7–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–53061; TSH–FRL 2608–4]

Premanufacture Notices; Monthly Status Roport for April 1984

Correction

In FR Doc. 84–15947 beginning on page 24776 in the issue of Friday, June 15, 1984, make the following corrections:

1. On the same page, Table 1, PMN No. 84–653, Identity and generic name should read "Polymer of: ethenyl benzene, isooctyl 2-propenoate, peroxide (3,3,5-trimethylcyclohexylidene)bis(1,1-dimethylethyl). ".

2. On page 24777, Table 1, PMN No. 84–659, Identity and generic name should read "Generic name: Aliphatic aromatic polyamic acid polymer."

3. On page 24778, Table II, PMN No. 84–475, Identity and generic name should read "Generic name: Complex of a substituted oxazoline and a metal substituted pyrazol.".

4. On the same page, Table II, PMN No. 84–482, Identity and generic name should read "Urea, condensate with poly[oxy(methyl–1,2-ethanediyl), alpha-(2-aminomethylethyl)-omega-(2-aminomethylethoxy).".

5. On page 24779, Table III, PMN No. 84–318, Identity and generic name should read "[4–(4-methylphenylthio)phenyl] phenylmethanone.".

6. On page 24780, Table III, PMN No. 84–373, Identity and generic name should read "Generic name: 4-(substituted cycloalkyl)-alkoxybenzene.".

7. On the same page, Table IV, PMN No. 84–254, Identity and generic name should read Polymer of: 1,3-benzenedicarboxylic acid, 1,4-benzenedicarboxylic acid, hexanedioic acid, 2,2,1-oxybis(ethanol), 1,3-dihydro-1,3-dioxo-5-isobenzofuran carboxylic acid, 2,2-dimethyl-1,3-propanediol, 2,2,4-trimethyl-1,3-pentanediol.

8. On the same page, Table IV, PMN No. 84–288, Identity and generic name should read "Generic name: 2-methyl substituted aliphatic nitrile.".

9. On the same page, Table IV, PMN No. 84–356, Identity and generic name should read "Generic name: Disubstituted dichloro sulfonated heteropolycycle.".

10. On page 24781, Table V, PMN No. 84–7, Identity and generic name should

read "N,N,N',N'-tetraglycidyl-1,3-bisaminomethyl cyclohexane.".

11. On the same page, Table V, PMN No. 84-18, Identity and generic name should read "1(1,1 dimethylethoxy)-propan-2-ol.".

12. On the same page, Table V, PMN No. 84-306, Identity and generic name should read "Benzoic acid, 32-((((2-((2-methyl-1-oxo-2-propenyl)oxy)ethyl)amino)carbonyl)oxy-, methyl ester.".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

Intent To Grant Exclusive Patent License; Tech Comm, Inc.

The Federal Communications Commission intends to grant to Tech Comm, Inc., having a place of business at Fort Lauderdale, Florida, an exclusive right to manufacture, use and sell products embodying the following inventions or produced through their use:

1. "Nondisruptive ADF System," U.S. Patent No. 4,263,597 (issued April 21, 1981).

2. "Directional Annular Slot Antenna," U.S. Patent No. 4,229,744 (issued October 21, 1980).

3. "Sector Scan ADF System," U.S. Patent No. 4,317,120 (issued February 23, 1982).

4. "Directional Annular Slot Antenna," U.S. Patent No. Des. 260,895 (issued September 22, 1981).

The patent rights in the above inventions have been assigned to the United States of America, as represented by the Field Operations Bureau of the Federal Communications Commission.

The proposed exclusive license agreement is expected to be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-41. The proposed license may be granted unless, within sixty days from the date of this Notice, the Federal Communications Commission receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Engineering Division, Field Operations Bureau, Federal Communications Commission, Room 738, 1919 M Street NW., Washington, D.C. 20554.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-20939 Filed 8-7-84; 8:45 am]

BILLING CODE 6712-01-M

Travel Reimbursement Experiment

AGENCY: Federal Communications Commission.

ACTION: Publishing of Quarterly Report on Travel Reimbursement Experiment.

SUMMARY: In Pub. L. 97-259, the Congress authorized the Federal Communications Commission to accept reimbursement from non-government organizations for travel of employees of the Commission. The Federal Communications Commission must keep records of such travel by each event and prepare a report each quarter of all reimbursements allowed and provide copies of each quarterly report to the Senate Committee on Appropriations, House Committee on Appropriations, Senate Committee on Commerce, Science and Transportation, and the House Committee on Energy and Commerce. This must be done each quarter until September 30, 1985. In addition the Federal Communications Commission must publish each quarterly report in the **Federal Register** until September 30, 1983.

DATE: This report is for the period from April 1, 1984 through June 30, 1984.

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

FOR FURTHER INFORMATION CONTACT: Geoffrey Sherman, Office of the Managing Director, (202) 632-6900.

SUPPLEMENTARY INFORMATION: The report for the quarter ending June 30, 1984 is as follows:

Federal Communications Commission Quarterly Report of Travel Reimbursement Experiment for Quarter Ending June 30, 1984, in Accordance With Pub. L. 97-259

Summary Report

Total Number of Sponsored Events: 13.

Total Number of Sponsoring Organizations: 12.

Total Number of Commissioners/Employees Attending: 37.

Total Amount of Reimbursement:

Transportation	$11,571.98
Room	6,515.00
Board	2,237.00
Other Expenses	1,244.91
Total	21,568.89

Individual Event Reports Attached.

Individual Event Report

Sponsoring Organization (Name and Address): National Association of Broadcasters, 1771 N. Street, NW., Washington, DC 20036.

Date of the Event: April 29-May 2, 1984.

Description of the Event: To participate in the National Association of Broadcasters Convention in Las Vegas, NV.

Number of Commissioners Attending: N/A.

Number and Title of Employees Attending: 1, Chief, Mass Media Bureau; 1, Deputy Chief, Mass Media Bureau; 2, Electronics Engineer; 1, Supvy. Electronics Engineers; 1, Chief, Audio Services Division; 1, Supvy. General Attorney; 1, Supvy. Attorney Adviser, Mass Media Bureau; 1, Chief, Office of Public Affairs; 1, Attorney Advisor, Office of Commissioner Rivera; 1, Attorney Adviser, Office of Commissioner Patrick; 1, Electronics Engineer, Office of Plans & Policy; 1, Electronics Engineer, Field Operations Bureau; 1, Attorney Adviser; 1, Special Assistant, Office of Commissioner Dawson.

Amount of Reimbursement:

Transportation	$5,529.00
Room	3,790.00
Board	1,262.00
Other Expenses	582.45
Total	[1] 11,163.45

[1] *Reimbursement Estimated.*—travel processing not complete or Reimbursement billed, but not received.

Individual Event Report

Sponsoring Organization: (Name and Address): National Cable Television Association, 1724 Massachusetts Ave., NW., Washington, DC 20036.

Date of the Event: June 3-7, 1984.

Description of the Event: To participate in the National Cable Television Association Convention in Las Vegas, NV.

Number of Commissioners Attending: N/A.

Number and Title of Employees: Attending: 1, Chief, Mass Media Bureau; 1, Supvy. General Attorney; 1, Supvy. Electronics Engineer, Mass Media Bureau; 1, Managing Director; 1, Chief, Common Carrier Bureau; 1, Chief, Office of Public Affairs; 1, Chief of Staff; 1, Attorney Adviser, Office of The Chairman; 1, Deputy General Counsel.

Amount of Reimbursement:

Transportation	$3,557.00
Room	2,000.00
Board	775.00
Other Expenses	305.00
Total	[1] 6,637.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Individual Event Report

Sponsoring Organization (Name and Address): Satellite Transmission System, Inc., 125 Kennedy Drive, Hauppauge, NY 11783.

Date(s) of the Event: April 3–5, 1984.

Description of the Event: To participate in a symposium on Satellite Communications in Uniondale, NY.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Supvy. Electronics Engineer, Common Carrier Bureau.

Amount of Reimbursements:

Transportation	$113.98
Room	75.00
Board	6.00
Other Expenses	12.50
Total	[1] 207.48

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Individual Event Report

Sponsoring Organization (Name and Address): Christian Legal Society, Post Office Box 2069, Oak Park, IL 60303.

Date(s) of the Event: April 5–6, 1984.

Description of the Event: To participate in a seminar sponsored by the Christian Legal Society in St. Charles, IL.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Trial Attorney, Office of General Counsel.

Amount of Reimbursement:

Transportation	$270.00
Room	75.00
Board	25.00
Other Expenses	100.00
Total	[1] 470.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Individual Event Report

Sponsoring Organization (Name and Address): National Translator Association, P.O. Box 33127, Washington, DC 20033.

Date(s) of the Event: April 12–15, 1984.

Description of the Event: To attend a seminar on Low Power Television Stations in Denver, CO.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Electronics Engineer, Mass Media Bureau.

Amount of Reimbursement:

Transportation	$298.00
Room	
Board	
Other Expenses	
Total	[1] 298.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Individual Event Report

Sponsoring Organization (Name and Address): Virginia Exchange Carrier Association, 700 East Main Street, Suite 1420, Richmond, VA 23219–2662.

Date(s) of the Event: May 2–3, 1984.

Description of the Event: To speak at a conference for the Virginia Exchange Carrier Association in Hot Springs, VA.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Chief, Tariff Division, Common Carrier Bureau.

Amount of Reimbursement:

Transportation	$176.00
Room	75.00
Board	37.50
Other Expenses	30.00
Total	[1] 318.50

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Individual Event Report

Sponsoring Organization (Name and Address): Broadcast Capital Fund, Inc., 1771 N Street, NW., Suite 420, Washington, DC 20036.

Date(s) of the Event: October 1, 1983 [1]

Description of the Event: To address the National Association of Broadcasters East Coast Hispanics Telecommunications Seminar in New York.

Name(s) of Commissioners Attending: 1, Commissioner Rivera.

Number and Title of other Employees Attending: N/A.

Amount of Reimbursement:

Transportation	$58.00
Room	
Board	
Other Expenses	39.32
Total	[1] 97.32

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

[1] Not included in 1st Quarter Report.

Individual Event Report

Sponsoring Organization (Name and Address): Rock Hill Telephone Company, 330 East Black Street, Rock Hill, SC 29730.

Date(s) of the Event: April 24, 1984.

Description of the Event: To address the South Carolina Independent Telephone Association in Charleston, SC.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Chief, Office of Plans, & Policy.

Amount of Reimbursement:

Transportation	$314.00
Room	50.00
Board	18.00
Other Expenses	
Total	[1] 382.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Individual Event Report

Sponsoring Organization (Name and Address): New Jersey State Bar Association, Gateway I, Newark, NJ 07102.

Date(s) of the Event: April 10, 1984.

Description of the Event: To participate in a panel discussion on divestiture in Newark, NJ.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Deputy Chief, Office of Plans & Policy.

Amount of Reimbursement:

Transportation	$88.00
Room	
Board	
Other Expenses	16.00
Total	[1] 104.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Individual Event Report

Sponsoring Organization (Name and Address): United Telephone Company of Ohio, 209 South High Street, Suite 400, Columbia, OH 43215.

Date(s) of the Event: April 10, 1984.

Description of the Event: To address a seminar on "Perception Of The Access Charge Policy and Future" in Columbus, OH.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Chief, Office of Plans & Policy.

Amount of Reimbursement:

Transportation	$168.00
Room	
Board	
Other Expenses	11.64
Total	[1] 179.64

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Individual Event Report

Sponsoring Organization: (Name and Address): Massachusetts Institute Of Technology, Cambridge, MA 02139.

Date(s) of the Event: October 27, 1983.[1]

Description of the Event: To speak at a seminar on "The Changing Broadcast Spectrum" in Cambridge, MA.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Chief, Technical Analysis Division, Office of Science & Technology.

Amount of Reimbursement:

Transportation	$86.00
Room	
Board	
Other Expenses	19.50
Total	[1] 105.50

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Individual Event Report

Sponsoring Organization (Name and Address): National Association of Broadcasters, 1771 N. Street, NW, Washington, DC 20036.

Date(s) of the Event: June 24–25, 1984.

Description of the Event: To participate in the Virginia Association of Broadcasters Convention in Wintergreen, VA.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Supervisory Attorney Adviser, Mass Media Bureau.

Amount of Reimbursement:

Transportation	$82.00
Room	75.00
Board	37.50
Other Expenses	20.00
Total	[1] 214.50

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Individual Event Report

Sponsoring Organization (Name and Address): Communications Magazine, 6530 South Yosemite, Englewood, CA 80111.

[1] Not included in 1st Quarter Report.

Date(s) of the Event: April 4–6, 1984.

Description of the Event: To participate in a panel at the Land Mobile Exposition in Denver, CO.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Chief, Office of Plans & Policy; 1, Deputy Chief, Private Radio Bureau; 1, Chief of Staff, Office of the Chairman.

Amount of Reimbursement:

Transportation	$832.00
Room	375.00
Board	76.00
Other Expenses	108.50
Total	[1] 1,391.50

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-20940 Filed 8-7-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 84-662; File No. BPCT-840210KE, et al.]

Bainbridge Post-Search Light, Inc. et al.; Hearing Designation Order; Applications, Construction Permits

Hearing Designation Order

In re applications of the Bainbridge Post-Search Light, Inc. (MM Docket No. 84-662; File No. BPCT-840210KE), Bainbridge Telecasters, Inc. (MM Docket No. 84-663; File No. BPCT-840413LH), Bainbridge Communications, LTD. (MM Docket No. 84-664; File No. BPCT-840413LI), for construction permit for a new television station to operate on Channel 49, Bainbridge, Georgia.

Adopted: June 29, 1984.

Released: July 16, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of The Bainbridge Post-Search Light, Inc. (BPSL), Bainbridge Telecasters, Inc. (Telecasters) and Bainbridge Communications, Ltd. (Communications) for authority to construct a new commercial television station on Channel 49, Bainbridge, Georgia.

2. Section V–C, Item 10, FCC Form 301, requires an applicant to submit the area and population within its predicted Grade B contour. BPSL has not specified the area and population within its Grade B contour. Also, Telecasters has not submitted population figures. Consequently, we are unable to determine whether there would be a significant difference in the size of the area and population that each applicant proposes to serve. BPSL and Telecasters will each be required to submit an amendment showing the required information, within 20 days after this Order is released, to the presiding Administrative Law Judge. If it is determined that there is a significant disparity between the areas and populations, the presiding Administrative Law Judge will consider it under the standard comparative issue.

3. Since grant of Telecasters' application would constitute a major environmental action as defined by § 1.1305(a) of the Commission's Rules, Telecasters is required to submit the environmental impact information described in § 1.1311. Accordingly, Telecasters will be required to file, within 20 days of the release of this Order, its environmental narrative statement with the presiding Administrative Law Judge. In addition, a copy shall be filed with the Chief, Video Services Division, who will then proceed in accordance with the provisions of § 1.1313(b). Accordingly, § 1.1317 of the Rules will be waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. See *Golden State Broadcasting Corp.*, 71 FCC 2d 229 (1979), *recon. denied sub nom. Old Pueblo Broadcasting Corp.* 83 FCC 2d 337 (1980).

4. No determination has been reached that the tower heights and locations proposed by each of the applicants would not constitute a hazard to air navigation. The commission is not in receipt of FAA's determination for the tower proposed by Telecasters. Accordingly, an issue regarding this matter will be specified.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. If a final environmental impact statement is issued with respect to

Bainbridge Telecasters, Inc. which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301–1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

2. To determine with respect to each of the applicants, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That Bainbridge Post-Search Light, Inc. shall submit an amendment stating the area and population within its predicted Grade B contour and Bainbridge Telecasters, Inc. shall submit an amendment stating the population figures within its predicted Grade B contour, to the presiding Administrative Law Judge, within 20 days after the date of the release of this Order.

8. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 2.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84–20943 Filed 8–7–84; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 84–686; File Nos. BR–8209300XF and BRH–820930XG and MM Docket No. 84–687; File Nos. BP–820901AK and BPH–820901 AN]

Friendly Broadcasting, Co., Inc. and Cleveland Heights Entertainment Radio, Inc., Hearing Designation Order; Applications for Construction Permits

Hearing Designation Order

In re applications of Friendly Broadcasting Co., Inc., Cleveland Heights, Ohio, for renewal of license for station WJMO (AM) and WRQC (FM), MM Docket No. 84–686; File Nos. BR–820930XF and BRH–820930XG and Cleveland Heights Entertainment Radio, Inc., Cleveland Heights, Ohio. Req: 1490 KHz, 1 kW–LS,U, Req: 92.3 MHz, Channel 222B 27 kW (H&V), 235 feet MM Docket No. 84–687; File Nos. BP–820901AK and BPH–820901AN for construction permits for new AM and FM stations.

Adopted: July 3, 1984.

Released: July 24, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration: (i) The applications of Friendly Broadcasting Company, Inc. (Friendly), for renewal of its licenses for Stations WJMO(AM) and WRQC(FM), Cleveland Heights, Ohio; (ii) mutually exclusive applications filed by Cleveland Heights Entertainment Radio, Inc. (Cleveland Heights) for construction permits for new AM and FM stations; (iii) a petition to deny the application of Cleveland Heights filed by D. A. Peterson, Inc., licensee of station WDJQ–FM, Alliance, Ohio (petitioner or WDJQ–FM); (iv) an opposition filed by Cleveland Heights; and (v) other related pleadings.

2. In its initial application, Cleveland Heights proposed to transmit from the same site and antenna height as Friendly, but requested operation at 50 kW instead of the 27 kW ERP at which Friendly currently operates. WDJQ–FM transmits on first adjacent channel 223B. WDJQ–FM argues that the Cleveland Heights proposal violates § 73.213(a) of the Commission's Rules and would cause interference within its 1 mV/m cotour. ERP as that used by Friendly, WDJQ–FM's petition is moot and will be dismissed. *Beloit Broadcasters, Inc.* v. *FCC*, 365 F. 2d 962 (D.C. Cir. 1966).

3. Friendly is a wholly owned subsidiary of United Broadcasting Company (United). Until his death, Richard Eaton was the sole stockholder and chairman of United, as well as president of Friendly.[1] Over the past several years, the Commission has denied or revoked four of United's licenses.[2] Recently, in *United Broadcasting Co. (WOOK(FM))*, 86 FCC 2d 452 (1981), the Commission held that these prior adverse determinations reflected a pattern of serious misbehavior by United and thereby raised a *prima facie* question about its qualification to operate WOOK(FM). In designating a qualification issue in the WOOK(FM) proceeding the Commission noted that, since it lacked sufficient evidence to determine whether Richard Eaton was personally responsible for United's misconduct, even if Eaton was removed from United's ownership, a serious question would still remain regarding the soundness and reliability of the licensee's operations. 86 FCC 2d at 458 n.24. Subsequently, mutually exclusive construction permit applications were filed against the renewal application of Station KSOL(FM), San Mateo, California, licensed to Intercontinental Radio, Inc. (Intercontinental), a wholly owned subsidiary of Tele-Broadcasters, Inc., which in turn is more than 90% owned by United. In that proceeding, the Commission declined to add an issue concerning United's qualifications, but conditioned the final determination as to KSOL(FM)'s qualifications on the outcome of the WOOK(FM) proceeding. *Intercontinental Radio, Inc., supra,* at 825. Finally, in *Friendly Broadcasting Company*, 90 FCC 2d 225 (1982), the Commission granted Friendly's previous renewal applications for WJMO and WRQC(FM) (then WLYT(FM)), "subject to such action as may be deemed appropriate in light of the ultimate findings in the WOOK(FM) proceeding." *Id.* at 228.

4. In designating the instant mutually exclusive applications for hearing, we are again confronted with the question whether United's past misconduct should reflect adversely on its qualifications to ramian a licensee of this Commission. As in *Intercontinental*

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[1] Mr. Eaton's interests are held by and represented by his estate. See *Intercontinental Radio, Inc. (KSOL(FM))*, 88 FCC 2d 819, 824–25 n.12 (1981).

[2] *United Television Co.*, 46 FCC 2d 698 (1974); *United Television of New Hampshire*, 46 FCC 2d 702 (1974) *aff'd.* 514 F. 2d 279 (D.C. Cir. 1975); *United Broadcasting of Florida*, 55 FCC 2d 832 (1975), *recon. denied* 60 FCC 2d 816 (1976); *United Television Co.*, 55 FCC 2d 416 (1975), *recon. denied* 59 FCC 2d 663 (1976), *aff'd. sub nom. United Broadcasting Co.*, v. *FCC*, 569 F. 2d 699 (D.C. Cir. 1977), *cert. denied* 434 U.S. 1076 (1978).

Radio, Inc., supra, it is unnecessary to add a basic qualifications issue to this proceeding at this time. The question of what individuals were responsible for United's prior misconduct is being explored fully in the WOOK(FM) proceeding. A final determination as to Friendly's qualifications will therefore be conditioned on the outcome of the WOOK(FM) proceeding, subject to the doctrine of collateral estoppel as described in *Intercontinental Radio, Inc., supra,* at 827–28.

5. Cleveland Heights Entertainment Radio, Inc., is qualified to operate as proposed. Subject to the outcome of the WOOK(FM) proceeding, Friendly Broadcasting Company, Inc., is qualified to operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below. Accordingly, it is ordered, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications of Friendly Broadcasting Company, Inc., and Cleveland Heights Entertainment Radio, Inc., are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, on the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

6. It is further ordered, that, the petition to deny the application of Cleveland Heights Entertainment Radio, Inc., filed by D. A. Peterson, Inc., is dismissed as moot.

7. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules give local notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84–20947 Filed 8–7–84; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA–REP–5–WI–5]

The Wisconsin Radiological Emergency Response Plans Site-Specific for the Zion Nuclear Power Plant

ACTION: Certification of FEMA findings and determination.

In accordance with the Federal Emergency Management Agency (FEMA) Rule 44 CFR Part 350, the State of Wisconsin submitted its plans relating to the Zion Nuclear Power Plant to the Director of FEMA Region V on April 4, 1984, for FEMA review and approval. On April 23, 1984, the Regional Director forwarded his evaluation to the Associate Director for State and Local Programs and Support in accordance with § 350.11 of the FEMA rule. Included in this evaluation is a review of the State and local plans around the Zion facility, and evaluations of the joint exercises conducted on July 29 and October 7, 1981, and January 18, 1983, as well as the Kewaunee Nuclear Power Plant exercise of November 1, 1983, in which the State demonstrated its capability to implement its revised plan dated August 1983, in accordance with § 350.9 of the FEMA rule. A report of the public meeting held on November 4, 1981, to discuss the site-specific aspects of the State and local plans in accordance with § 350.10 of the FEMA rule was also included.

Based on the evaluation by the Regional Director and the review by the FEMA Headquarters staff, I find and determine that, subject to the condition stated below, the State and local plans and preparedness for the Zion Nuclear Power Plant are adequate to protect the health and safety of the public living in the vicinity of the plant. These offsite plans and preparedness are assessed as adequate in that they provide reasonable assurance that appropriate protective actions can be taken offsite in the event of a radiological emergency and are capable of being implemented. The condition for the above approval is that the adequacy of the public alert and notification system already installed and operational must be verified as meeting the standards set forth in appendix 3 of the Nuclear Regulatory Commission (NRC)/FEMA criteria of NUREG–0654/FEMA–REP–1, Revision 1.

FEMA will continue to review the status of offsite plans and preparedness associated with the Zion Nuclear Power Plant in accordance with § 350.13 of the FEMA rule.

For further details with respect to this action, refer to Docket File FEMA–REP–5–WI–5 maintained by the Regional Director, FEMA Region V, Federal Center, Battle Creek, Michigan 49016.

Dated : August 2, 1984.

For the Federal Emergency Management Agency.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 84–20960 Filed 8–7–84; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL HOME LOAN BANK BOARD

[No. 84–405]

Information for Contract Award

Dated: August 3, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted a request for extension through October, 1987, without revision, of its information collection request, "Information For Contract Award", OMB NO. 3068–0039 to the Office of Management and Budget for approval pursuant to 5 CFR 1320.12 pertaining to clearance of information collection requests.

Comments on the information collection request are welcome and should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Request for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below. Comments will also be available for public inspection at this address: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, Phone: 202–377–6933.

FOR FURTHER INFORMATION CONTACT:
Lela M. Cook, Administration Office, Procurement Management Branch, Federal Home Loan Bank Board. Telephone Number: 202–377–6253.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84–20962 Filed 8–7–84; 8:45 am]
BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Applicants; AA Freight Forwarding, Inc., et al.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act, 1984 (46 U.S.C. app. 1718 and 48 CFR Part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

AA Freight Forwarding, Inc., 2455 E. 27th Street, Los Angeles, CA 90058; Julius Giannini, Chairman; Douglas M. Bishop, Director; Mary Jane Anderson, President

Roger Lee Scarbrough dba Scarbrough International, 5500 Buena Vista Drive, Mission, KS 66205

Francisco Rodriguez dba Dominicana Shipping Company, 1257 St. Nicholas Avenue, New York, NY 10032

Rank International Forwarding, Inc., 5477 N.W. 72nd Avenue, Miami, FL 33166; Daniel Manuel Schneider, President; James A. Stentz, Vice President

Rhenus Transport International Corporation, 325 Spring Street, New York, NY 10013; Dr. Hans Gunter Mertens, President; Kurt Borcherding, Vice President

Associated Custom House Brokers, Inc., Bldg. No. 18, P.O. Box 13062, Port Everglades, FL 33316; Paul R. Volkers, President

Dated: August 2, 1984.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84–21008 Filed 8–7–84; 8:45 am]
BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Revocations; Stalker Enterprises, Inc. and North American Solmar, Inc.

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License No.	Name/Address	Date revoked
2768	Stalker Enterprises, Inc., 10320 Little Patuxent Parkway, #303, Columbia, MD 21044.	July 25, 1984.
2748	North American Solmar, Inc., 30 Vessey Street, Suite 305, New York, NY 10007.	July 27, 1984.

Eugene P. Stakem,

Deputy Director, Bureau of Tariffs.

[FR Doc. 84–21009 Filed 8–7–84; 8:45 am]
BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No. 202–000014–053.

Title: Trans Pacific Freight Conference (Hong Kong).

Parties:

American President Lines, Ltd.
Barber Blue Sea Line
Japan Line, Ltd.
A.P. Moller-Maersk Line
Nippon Yusen Kaisha
Sea-Land Service, Inc.
Showa Line, Ltd.
United States Lines, Inc.
Yamashita-Shinnohon Steamship Co., Ltd.

Synopsis: The proposed agreement would replace the current "Guidelines for Indpendent Action" in the appendix of the agreement with a new article providing for independent action upon not more than ten calendar days' notice and would increase the amount of the performance bond required to be posted by conference members to U.S. $120,000, or its equivalent in Hong Kong currency.

Agreement No. 202–005700–037.

Title: New York Freight Bureau.

Parties:

Barber Blue Sea Line
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
United States Lines, Inc.
Yamashita-Shinnohon Steamship Co., Ltd.

Synopsis: The proposed agreement would increase the dollar value of the performance bond required to be posted by conference members to U.S. $120,000 or its equivalent in Hong Kong currency.

Agreement No. 202–006190–041.

Title: United States Atlantic and Gulf Venezuela Steamship Conference.

Parties:

Companiea Anonima Venezolana de Navigacion
Delta Steamship Lines, Inc.

Synopsis: The proposed agreement would provide for intermodal authority in the United States, establish procedures for independent action and revise the language of the agreement to comply with the Commission's regulations concerning the form of agreements.

Agreement No. 217–010500–002.

Title: Nippon Yusen Kaisha—Showa Line Space Charter Agreement.

Parties:

Nippon Yusen Kaisha
Showa Line, Ltd.

Synopsis: The proposed agreement would increase by 356 TEU's the total vessel capacity of the vessels operated by the parties and adjust accordingly the amount of space which may be operated and cross-chartered during any calendar year and would also permit the carriage of transshipment cargo on vessels within the defined agreement scope irrespective of origin or destination.

Agreement No. 223–010621.

Title: Houston Terminal Service Agreement.

Parties:

Port of Houston Authority of Harris County, Texas (Port)
Provident Warehouse Company (Provident).

Synopsis: The agreement authorizes Provident to perform freight handling services at the Port's Manchester Wharf and Transit Shed No. 2. Provident shall provide these services as a public operation. The agreement shall run until December 31, 1986.

Agreement No. 223–010622.
Title: Houston Terminal Service Agreement.
Parties:
Port of Houston Authority of Harris County, Texas (Port)
Southside Services, Inc. (Southside).

Synopsis: The agreement authorizes Southside to perform freight handling services at the Port's Wharves and Transit Sheds Nos. 41 through 48. Southside shall provide these services as a public operation. The agreement shall run until December 31, 1986.

Agreement No. 223–010623.
Title: Houston Terminal Service Agreement.
Parties:
Port of Houston Authority of Harris County, Texas (Port)
Houston Terminals, Inc. (HTI).

Synopsis: The agreement authorizes HTI to perform freight handling services at the Port's Wharves and Transit Sheds Nos. 8 through 18. HTI shall provide these services as a public operation. The agreement shall run until December 31, 1986.

Agreement No. 223–010624.
Title: Houston Terminal Service Agreement.
Parties:
Port of Houston Authority of Harris County, Texas (Port)
Strachan Shipping Company (Strachan).

Synopsis: The agreement authorizes Strachan to perform freight handling services at the Port's Wharves and Transit Sheds Nos. 1–3 and 23–26. Strachan shall provide these services as a public operation. The agreement shall run until December 31, 1986.

Agreement No. 223–010625.
Title: Houston Terminal Service Agreement.
Parties:
Port of Houston Authority of Harris County, Texas (Port)
Biehl & Company (Biehl)

Synopsis: The agreement authorizes Biehl to perform freight handling services at the Port's Wharves and Transit Sheds Nos. 27 through 29. Biehl shall provide these services as a public operation. The agreement shall run until December 31, 1986.

Agreement No. 223–010626.
Title: Houston Terminal Service Agreement.
Parties:
Port of Houston Authority of Harris County, Texas (Port)
Kerr Steamship, Inc. (Kerr)

Synopsis: The agreement authorizes Kerr to perform freight handling services at the Port's Wharves and Transit Sheds Nos. 19 through 20. Kerr shall provide these services as a public operation. The agreement shall run until December 31, 1986.

Agreement No. 223–010627.
Title: Houston Terminal Service Agreement.
Parties:
Port of Houston Authority of Harris County, Texas (Port)
Lykes Bros. Steamship Company (Lykes).

Synopsis: The agreement authorizes Lykes to perform freight handling services at the Port's Wharves and Transit Sheds Nos. 30 and 31. Lykes shall perform these services as a public operation. The agreement shall run until December 31, 1986.

Agreement No. 223–010628.
Title: Portland Marine Terminal Agreement.
Parties:
Port of Portland (Port)
Sanko Kisen (Sanko).

Synopsis: The agreement provides that Sanko will have the use of the Port's marine facilities as assigned. Sanko will load and discharge general cargo for the term of one year with an option to extend the agreement for an additional year. Sanko will use the Port of Portland as its designated Columbia River port of call except when a shipper or consignee will not agree to a Port of Portland discharge. In consideration for this commitment, Sanko will be billed for service and facility charges on a scale provided in the agreement.

By Order of the Federal Maritime Commission.

Dated: August 3, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84–21070 Filed 8–7–84; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Alliance Financial Corp.; 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 (12 CFR 225.23(a)(1)) 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 (12 CFR 225.21(a)) 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 would 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 outweight 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 28, 1984.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Alliance Financial Corporation,* Dearborn, Michigan; to engage *de novo* through its subsidiary, Alliance Data Services, Dearborn Heights, Michigan, in complete data processing services encompassing loan, deposit and accounting functions for small to medium size banks by means of remote transmission of data, with on line capabilities for teller, administrative and an ATM network. These activities would be conducted in the State of Michigan.

Board of Governors of the Federal Reserve System, August 2, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84–20941 Filed 8–7–84; 8:45 am]

BILLING CODE 6210–01–M

Bartow 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 (12 CFR 225.14) 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 30, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303.

1. *Bartow Bancshares, Inc.*, Cartersville Georgia; to acquire 100 percent of the voting shares of CBA Bancshares, Inc., Americus, Georgia.

2. *Georgia Community Bancorp, Inc.*, Reynolds, Georgia; to become a bank holding company by acquiring 69.5 percent of the voting shares of The Citizens State Bank of Reynolds, Reynolds, Georgia, 65 percent of the voting shares of Commercial State Bank, Donalsonville, Georgia, and 49.9 percent of the voting shares of Bank of Terrell, Dawson, Georgia.

3. *Habersham Bancorp*, Cornelia, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Habersham Bank, Clarkesville, Georgia.

4. *Oconee Shares, Inc.*, Union Point, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers Bank, Union Point, Georgia.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Pine Bankshares, Inc.*, Pine City, Minnesota; to become a bank holding company by acquiring 99.8 percent of the voting shares of The First National Bank of Pine City, Pine City, Minnesota.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First National Bankshares of Sheridan*, Sheridan, Wyoming; to acquire 100 percent of the voting shares of Ranchester State Bank, Ranchester, Wyoming.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Consolidated Bancorp, Inc.*, Waco, Texas; to acquire 100 percent of the voting shares of First Consolidated Bank-Pleasant Run Road, N.A., Lancaster, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, August 2, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-20942 Filed 8-7-84; 8:45 am]

BILLING CODE 6210-01-M

Northeast Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and section 225.14 of the Board's Regulation Y (12 CFR 225.14) 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 31, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Northeast Bancorp, Inc.*, New Haven, Connecticut: to acquire 100 percent of the voting shares of Citizens National Bank of Southington, Plantsville, Connecticut.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *First Bank Financial Corp.*, Conyers, Georgia: to become a bank holding company by acquiring 100 percent of the voting shares of First Bank of Conyers, Conyers, Georgia.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Hartwick Bancshares, Inc.*, Hartwick, Iowa: to become a bank holding company by acquiring 70.6 percent of the voting shares of Hartwick State Bank, Hartwick, Iowa.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *KBT Corporation*, Madisonville, Kentucky: to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Kentucky Bank and Trust Company, Madisonville, Kentucky.

E. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *C.S.B. Financial, Inc.*, Chetek, Wisconsin: to acquire 80.18 percent of the voting shares of Bank of Barron, Barron, Wisconsin. Comments on this application must be received not later than August 27, 1984.

F. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Crown Bancorp*, Coronado, California: to acquire 100 percent of the voting shares of Capital Bank of Carlsbad, Carlsbad, California.

Board of Governors of the Federal Reserve System, August 3, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-21067 Filed 8-7-84; 8:45 am]

BILLING CODE 6210-01-M

Texfirst Bancshares, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) 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 (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in section 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 30, 1984.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *TexFirst Bancshares*, Houston, Texas: to engage *de novo* in making, acquiring and servicing loans.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Arizona Bancwest Corporation*, Phoenix, Arizona, to engage *de novo* through its subsidiary, Bancwest Insurance Agency, Inc., Phoenix, Arizona, in the sale of credit life, accident and health, and unemployment insurance directly related to extensions of credit by its existing and future affiliates.

Board of Governors of the Federal Reserve System, August 3, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-21068 Filed 8-7-84; 8:45 am]

BILLING CODE 6210-01-M

Tri-County State Agency, Inc.; Retention 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 (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.21(a) of Regulation Y (12 CFR 225.21(a)) to retain 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 accompanied by a statement of the reasons a written presentation would not suffice a 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 30, 1984.

Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Tri-County State Agency, Inc.*, Ortonville, Minnesota; to retain the general insurance agency assets of Phil de Greef Agency, Big Stone City, South Dakota, and Schneck Agency, Inc., Ortonville, Minnesota. These activities would be conducted in Ortonville, Minnesota, a town with a population not exceeding 5,000.

Board of Governors of the Federal Reserve System, August 3, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-21069 Filed 8-7-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Cooperative Agreement Program for Capacity Building in Occupational Safety and Health for State, Territorial, and Local Public Health Departments; Amendment

A notice announcing a cooperative agreement program for capacity building in occupational safety and health for State, territorial, and local public health departments was published in the **Federal Register** on Wednesday, June 27, 1984 (49 FR 26306). A correction notice was published on July 6, 1984 (49 FR 27817). The notice is amended as follows:

1. On page 26310, second column, *Availability of Funds*, should read:

"It is anticipated that approximately $1.75 million will be available in Fiscal Year 1984 to fund all three categories. Individual project awards are expected to range from $20,000 to $45,000 in the State Initiated category (approximately 10 or more individual project awards), from $25,000 to $50,000 in the injury and accident category (approximately 4 or more individual project awards), and from $50,000 to $150,000 in the Occupational/Environmental category (approximately 6 or more individual project awards). Second through fifth year funding will depend upon the amount of available funds."

2. The due date for submission of applications is extended to August 20, 1984. Therefore, on page 26310, third column, *Submission of Applications*, first paragraph, line three, change "August 15, 1984," to "August 20, 1984."

3. On page 26310, third column, line 5, under **FOR FURTHER INFORMATION CONTACT:**, change "Room 107A," to "Room 315."

All other information and requirements in the notice remain the same.

Dated: August 3, 1984.

James D. Bloom,

Acting Director, Centers for Disease Control.

[FR Doc. 84-21215 Filed 8-7-84; 10:29 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 84N-0265]

International Drug Scheduling; Convention on Psychotropic Substances; 3,4-Methylenedioxyamphetamine; 2,5-Dimethoxy-4-Bromoamphetamine; Request for Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing interested persons with the opportunity to submit written comments and to request an informal public meeting concerning recommendations by the World Health Organization (WHO) to impose international manufacturing and distribution restrictions, pursuant to international treaty, on the drug substances 3,4-methylenedioxyamphetamine (MDA) and 2,5-dimethoxy-4-bromoamphetamine (DOB) (central nervous system stimulants with hallucinatory effects). Neither drug substance is marketed or approved for any medical use in the United States. The comments received in response to this notice will be considered in preparing the United States position on the recommendations for a meeting of the Commission on Narcotic Drugs (CND) in Vienna, Austria, during February 1985.

DATE: Comments by September 7, 1984.

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

FOR FURTHER INFORMATION CONTACT: I. David Wolfson, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: FDA is providing interested persons an opportunity to comment on the WHO recommendations to control the drug substances MDA and DOB under the 1971 Convention on Psychotropic Substances (Psychotropic Convention). MDA and DOB are central nervous system stimulants that produce hallucinatory effects. MDA is reported to possess a high affinity for serotonin receptors and elicits behavior effects which are similar to those produced by LSD (lysergic acid diethylamide), although some observed effects appear to be amphetamine-like. DOB's behavior effects appear most similar to those of mescaline and LSD. DOB causes hallucination, disorientation, and often leads to a panic state at overdose. DOB causes psychic effects similar to those caused by MDA; however, subjects administered DOB appear more active and have greater contact with reality than subjects administered MDA. Neither MDA nor DOB has any accepted medical use in treatment in the United States. Both drug substances are controlled as hallucinogens in Schedule I of the domestic Controlled Substances Act (CSA).

By note NAR/CL.14/1983 of July 25, 1983, the Secretary-General of the United Nations requested data and information concerning 30 stimulant/hallucinogenic drug substances. MDA and DOB were among the substances identified in the request. In the **Federal Register** of September 13, 1983 (48 FR 41096), FDA requested interested persons to submit data and information to be considered in the preparation of a United States response to the WHO request. The United States forwarded its response to WHO in March 1984. A copy of the information the United States provided is on file under Docket No. 83N-0308 in the Dockets Management Branch (address above).

In March 1984, as part of an ad hoc consultative meeting, WHO conducted a review and evaluation of the data and other information received from member countries concerning the 30 stimulant/hallucinogenic substances. On the basis of that review, the Director-General of WHO notified the Secretary-General that WHO was of the opinion that two of the substances, MDA and DOB, should be included in Schedule I of the Psychotropic Convention.

In accordance with that determination, the Secretary of the Department of Health and Human Services (DHHS) received the following two notices (dealing with MDA and DOB, respectively) from WHO on behalf of the Secretary-General:

Drug Substance MDA

The Secretary-General of the United Nations presents his compliments to the Secretary of State of the United States of America and has the honour to inform the Government that the World Health Organization, pursuant to article 2, paragraphs 1 and 4, of the 1971 Convention on Psychotropic Substances, has notified the Secretary-General that it is of the opinion that 3,4-methylenedioxyamphetamine (MDA) should be included in Schedule I of that Convention.

In accordance with the provisions of article 2, paragraph 2, of the Convention, the Secretary-General hereby transmits the text of the notification in question, which reads as follows:

"The Director-General of the World Health Organization presents his compliments to the Secretary-General of the United Nations and has the honour to inform him that the World Health Organization, in conformity with Article 2, paragraphs 1 and 4 of the Convention on Psychotropic Substances, 1971, has reviewed information pertaining to 3,4-methylenedioxyamphetamine and referred to as MDA.

MDA is capable of producing a state or dependence and central nervous system stimulation resulting in disturbances in behaviour and mood. MDA has the capacity to produce similar abuse and similar ill effects as STP [2,5-dimethoxy-4-methylamphetamine] and is being abused so as to constitute a public health and social problem warranting international control. There is no evidence of a therapeutic use for MDA.

Therefore, the World Health Organization recommends that MDA be added to Schedule I of the Convention on Psychotropic Substances, 1971."

The Director-General of the World Health Organization, in connection with his notification, has also submitted the report of an *ad hoc* consultative meeting which reviewed this substance, *inter alia*, for possible international control. That report contained the following statement concerning 3,4-methylenedioxyamphetamine (MDA):

In the case of the hallucinogen MDA, which has no known medical use, reports indicate that there is evidence of abuse, toxicity and substance-related deaths in Australia, Canada, Sweden, the United Kingdom, and the United States of America. The presence of MDA in the illicit drug market, evidenced by the seizure data, illicit traffic and the discovery of clandestine manufacturing laboratories in a number of countries, including the United States of America, further illustrate the magnitude of the problem this substance presents.

In accordance with the provisions of article 2, paragraph 2, of the Convention on Psychotropic Substances, the notification from the World Health Organization will be brought to the attention of the Commission on Narcotic Drugs at its thirty-first session in February of 1985. Any action or decision taken by the Commission with respect to that notification, pursuant to article 2, paragraph 5, of the Convention, will be notified to States Parties in due course. Article 2, paragraph 5, reads as follows:

"The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information

from the World Health Organization or from other appropriate sources."

In order to assist the Commission in reaching a decision, it would be appreciated if any economic, social, legal, administrative or other factors the Government may consider relevant to the question of the possible scheduling of 3,4-methylenedioxyamphetamine (MDA) could be communicated to the Secretary-General, c/o the Division of Narcotic Drugs, P.O. Box 500, A–1400 Vienna, Austria, by 31 October 1984.

June 13, 1984.

Drug Substance DOB

The Secretary-General of the United Nations presents his compliments to the Secretary of State of the United States of America and has the honour to inform the Government that the World Health Organization, pursuant to article 2, paragraphs 1 and 4, of the 1971 Convention on Psychotropic Substances, has notified the Secretary-General that it is of the opinion that 2,5-dimethoxy-4-bromoamphetamine (DOB) should be included in Schedule I of that Convention.

In accordance with the provisions of article 2, paragraph 2, of the Convention, the Secretary-General hereby transmits the text of the notification in question, which reads as follows:

"The Director-General of the World Health Organization presents his compliments to the Secretary-General of the United Nations and has the honour to inform him that the World Health Organization, in conformity with Article 2, paragraphs 1 and 4 of the Convention on Psychotropic Substances, 1971, has reviewed information pertaining to 2,5-dimethoxy-4-bromoamphetamine and referred to as DOB.

DOB is capable of producing a state of dependence and central nervous system stimulation resulting in disturbances in behaviour and mood. DOB has the capacity to produce similar abuse and similar ill effects as STP and is being abused so as to constitute a public health and social problem warranting international control. There is no evidence of a therapeutic use for DOB.

Therefore, the World Health Organization recommends that DOB be added to Schedule I of the Convention on Psychotropic Substances, 1971."

The Director-General of the World Health Organization, in connection with his notification, has also submitted the report of an *ad hoc* consultative meeting which reviewed this substance, *inter alia*, for possible international control. That report contained the following statement concerning 2,5-dimethoxy-4-bromoamphetamine (DOB):

"The hallucinogen DOB has no medically accepted use and has been reported to be associated with toxicity, morbidity and mortality. Seizure incidents have also been reported from some countries, including Australia, Sweden, the United Kingdom and the United States of America."

In accordance with the provisions of article 2, paragraph 2, of the Convention on Psychotropic Substances, the notification from the World Health Organization will be brought to the attention of the Commission on Narcotic Drugs at its thirty-first session in February of 1985. Any action or decision taken by the Commission with respect to that notification, pursuant to article 2, paragraph 5, of the Convention, will be notified to States Parties in due course. Article 2, paragraph 5, reads as follows:

"The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources."

In order to assist the Commission in reaching a decision, it would be appreciated if any economic, social, legal, administrative or other factors the Government may consider relevant to the question of the possible scheduling of 2,5-dimethoxy-4-bromoamphetamine (DOB) could be communicated to the Secretary-General, c/o the Division of Narcotic Drugs, P.O. Box 500, A–1400 Vienna, Austria, by 31 October 1984.

June 12, 1984.

Although WHO has recommended that MDA and DOB be included in Schedule I of the Psychotropic Convention, the CND is not obligated to follow WHO's recommendations. Options available to the CND include: (1) Accept the recommendations and schedule the drugs in Schedule I of the treaty; (2) accept the recommendations but schedule one or both drug substances in a schedule other than that recommended; or (3) reject the recommendations entirely. Regardless of which option the CND selects, there should be no material change in the status of either drug in the United States because both MDA and DOB are currently in Schedule I of the CSA.

FDA, on behalf of the Secretary of DHHS, invites interested persons to submit comments on the WHO notices concerning MDA and DOB. FDA, in consultation with the National Institute on Drug Abuse, will consider the comments on behalf of DHHS in evaluating the WHO recommendations. Then, DHHS will recommend to the Secretary of State what position the United States should take when voting on the recommendations at the CND meeting in February 1985.

In the past, FDA has routinely held public meetings concerning WHO recommendations for scheduling substances under the Psychotropic Convention. This has been done to provide an opportunity for interested parties to present their positions regarding the propriety of international scheduling and to establish a forum for agency officials to ask questions of the participants. The previous meetings, however, involved WHO proposals to schedule drugs that were available in the United States and that manufacturers and the public had an interest in the outcome of the international scheduling proposal. In view of the fact that the current WHO recommendations concern drug substances that are not marketed domestically and that are already controlled domestically in Schedule I of the CSA, FDA will not schedule a meeting unless requested to do so. If any person believes that a public meeting would be useful and would like such a meeting, such a request and the reasons for it should be included in the comments submitted.

Interested persons may, on or before September 7, 1984, submit to the Dockets Management Branch (address above) written comments regarding this notice. The short time period for the submission of comments is needed to assure that DHHS may, in a timely fashion, carry out the required action and be responsive to WHO. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 2, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–20938 Filed 8–3–84; 10:15 am]

BILLING CODE 4160–01–M

[Docket No. 84N–0241]

Availability of Working Draft of National Shellfish Sanitation Program Manual of Operations, Part I, Sanitation of Shellfish Growing Areas

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a working draft of an updated version of the National Shellfish Sanitation Program Manual of Operations, Part I, Sanitation of Shellfish Growing Areas. FDA is distributing this draft to State shellfish control officials, shellfish industry members, and other interested persons associated with the Interstate Shellfish Sanitation Conference (ISSC). The agency will provide the draft to other interested persons for review and comment upon request.

ADDRESSES: The working draft entitled "National Shellfish Sanitation Program, Manual of Operation, Part I, Sanitation

of Shellfish Growing Areas" is available for review at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Copies of the working draft are available from the Center for Food Safety and Applied Nutrition, Shellfish Sanitation Branch (HFF–344), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0149. Requests should identify the document as "Working Draft, National Shellfish Sanitation Program, Manual of Operations, Part I, Sanitation of Shellfish Growing Areas."

FOR FURTHER INFORMATION CONTACT: J. David Clem, Center for Food Safety and Applied Nutrition (HFF–344), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0149.

SUPPLEMENTARY INFORMATION: FDA is responsible for the Federal administration of the National Shellfish Sanitation Program (NSSP). The NSSP is a voluntary program involving State shellfish control agencies, the shellfish industry, and FDA. Through international bilateral agreements, seven foreign countries also participate in the NSSP.

The NSSP is concerned with the sanitary control of fresh and fresh frozen molluscan shellfish (oysters, clams, and mussels) offered for sale in interstate commerce. The program has been in existence since 1925. In the interest of assuring uniform administrative and technical control, the NSSP has developed and maintained recommended shellfish control practices. These control practices have been published in the form of a three part manual of operation. The last NSSP Manual of Operation was published in 1965.

In 1982 interested State officials and members of the shellfish industry formed the ISSC. The purpose of the ISSC is to provide a formal structure wherein State regulatory authorities can establish updated guidelines for shellfish controls that will assure sources of safe and sanitary shellfish. The ISSC establishes procedures for the uniform application of those guidelines.

FDA and the ISSC entered into a memorandum of understanding in March 1984 (see 49 FR 12751; March 30, 1984). This agreement provides, among other things, that FDA will publish revisions to the NSSP Manual of Operation. In this context, the working draft of the NSSP Manual of Operations, Part I, Sanitation of Shellfish Growing Areas, is being provided to the ISSC for review and comment. FDA will also welcome comments from any interested person.

The ISSC has scheduled its second annual meeting for August 14 to 16, 1984, in Orlando, Florida. The working draft likely will be one of the topics discussed at the meeting. Those persons interested in obtaining more information about this meeting should contact, Mr. Richard Thompson, Program Chairman, Interstate Shellfish Sanitation Conference, 2902 Dillionhill Dr., Austin, TX 78745, phone c/o Texas Department of Health, 512–458–7510.

Dated: August 2, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–20937 Filed 8–3–84; 10:15 am]

BILLING CODE 4160–01–M

National Institutes of Health

National Advisory Allergy and Infectious Diseases, Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, and its subcommittees on September 17–18, 1984, at the National Institutes of Health, Building 31C, Conference Room 10, Bethesda, Maryland 20205.

The meeting will be open to the public on September 17 from approximately 9:00 a.m. to 9:30 a.m. for opening remarks of the Institute Acting Director and again from 1:30 p.m. to approximately 5:00 p.m. for discussion of procedural matters, Council business, and a report from the Institute Acting Director which will include a discussion of budgetary matters. The primary program discussions will be on the use of animals in research. On September 18 the meeting will be open to the public from approximately 9:00 a.m. to 9:30 a.m. for the reports of the Institute Acting Director on the proposed Minority Cooperative Research Enhancement Program and on the revised training grant guidelines. Attendance by the public at all open sessions will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting of the NAAIDC Allergy and Immunology Subcommittee and of the NAAIDC Microbiology and Infectious Diseases Subcommittee will be closed to the public for approximately three hours for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 9:30 a.m. until approximately 12:30 p.m. on September 17. The meeting of the full Council will be closed from approximately 10:00 a.m. until adjournment on September 18 for the review, evaluation, and discussion of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Thomas Flavin, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. John W. Diggs, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: August 1, 1984

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84–20956 Filed 8–7–84; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Child Health and Human Development Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, September 24–25, 1984, in Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland, and the meeting of the Subcommittee on Planning on September 24 from 8:00 a.m. to 9:30 a.m. in Building 31, Room 2A03.

The Council meeting will be open to the public on September 24 from 9:30 a.m. until 5:00 p.m. The agenda includes a report by the NICHD Director and a presentation by the Pregnancy and Perinatology Section, Clinical Nutrition and Early Development Branch, CRMC. The Subcommittee meeting will be open on September 24 from 8:00 a.m. to 9:30 a.m. to discuss program plans and the agenda for the next Council meeting.

Attendance by the public will be limited to space available.

In accordance with the provisons set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on September 25 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Council Secretary, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland 20205, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Cuncil members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864, Population Reserach, and 13.865, Research for Mothers and Children, National Institutes of Health)

Dated: August 1, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84–20958 Filed 8–7–84; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Dental Research; National Advisory Dental Research Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on September 17–18, 1984, in the Community Room, Building 60, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on September 17 from 9:00 a.m. to recess for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on September 18 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Nancy Walsh, Council Secretary for the National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 503, Bethesda, Maryland 20205 (phone 301–496–7723) will furnish a roster of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs Nos. 13.121-Diseases of the Teeth and Supporting Tissues; Caries and Restorative Materials; Periodontal and Soft Tissue Diseases; 138.122-Disorders of Structure, Function, and Behavior, Craniofacial Anomalies, Pain Control, and Behavorial Studies; 13.845-Dental Research Institutes, National Institutes of Health)

Dated: August 1, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84–20955 Filed 8–7–84; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Environmental Health Sciences Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, September 17–18, 1984, at the National Institute of Environmental Health Sciences, Building 101 Conference Room, South Campus, Research Triangle Park, North Carolina.

This meeting will be open to the public on September 17 from 9 a.m. to approximately 12 noon for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public September 17, from approximately 1:00 p.m. to adjournment on September 18, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, NIEHS P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541–7723, FTS 629–7723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.112, Characterization of Environmental Health Hazards; 13.113, Biological Response to Environmental Health Hazards; 13.114,Applied Toxicological Research and Testing; 13.115, Biometry and Risk Estimation; 13.894, Resource and Manpower Development, National Institutes of Health)

Dated: August 1, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84–20957 Filed 8–7–84; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Advisory Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, September 13–14, 1984, at the National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on September 13 and to approximately 12:00 p.m. on September 14 for the discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the Council meeting will be closed to the public from approximately 12:00 p.m. on September 14 until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or information about commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meeting and rosters of the Council members.

Ms. Anne M. Heasty, Executive Secretary of the Council, Westwood Building, Room 7A–15, (301) 496–7548, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases

Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated : August 1, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84-20953 Filed 8-7-84; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Advisory Council and Its Manpower Subcommittee and Research Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, October 18-19, 1984, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland 20205. In addition, the Manpower Subcommittee and the Research Subcommittee of the above Council will meet on October 17, 1984, at 8:00 p.m. in Building 31, Conference Rooms 9 and 10, respectively.

The Council meeting will be open to the public on October 18 from 9:00 a.m. to approximately 2:00 p.m. for discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the Council meeting will be closed to the public from approximately 2:00 p.m. on October 18 to adjournment on October 19 for the review, discussion, and evaluation of individual grant applications. The meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council on October 17 will be closed from 8:00 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or information about commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiries 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 summaries of the meetings and rosters of the Council members.

Ms. Anne M. Heasty, Executive Secretary of the Council, Westwood Building, Room 7A-15, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7548, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: August 1, 1984.

Betty J. Beveridge

NIH Committee Management Officer.

[FR Doc. 84-20954 Filed 8-7-84; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Neurological and Communicative Disorders and Stroke; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the committees of the National Institute of Neurological and Communicative Disorders and Stroke.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discusion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of meetings, rosters of committee members, and other information pertaining to the meetings can be obtained from the Executive Secretary indicated.

Name of committee: National Advisory Neurological and Communicative Disorders and Stroke Council and Its Planning Subcommittee.

Dates: September 19, 20 and 21, 1984.

Place: National Institutes of Health, Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20205.

Open: September 19, 1:00 p.m.-3:00 p.m. (Planning Subcommittee); September 20, 9:00 a.m.-3:00 p.m. (Council).

Agenda: To discuss program planning, program accomplishments and special reports.

Closed: September 19, 3:00 p.m.-5:00 p.m. (Planning Subcommittee); September 20, 3:00 p.m.-4:00 p.m. (Council); September 21, 8:30 a.m.-adjournment (Council).

Closure reason: For review of grant applications.

Executive Secretary: John C. Dalton, Ph.D., Director, NINCDS-EAP, National Institutes of Health, Bethesda, Maryland 20205, Telephone: 301/496-9248.

Name of committee: Neurological Disorders Program Project Review B Committee.

Dates: October 8-10, 1984.

Place: Hilton in the Park, 1855 South Harbor Boulevard, Anaheim, California 92892.

Open: October 8, 6:00 p.m.-6:30 p.m.

Closed: October 8, 6:30 p.m.-recess; October 9, 8:00 a.m.-recess; October 10, 8:00 a.m.-adjournment.

Closure reason: To review grant applications.

Executive Secretary: Dr. Alfred Bruner, Federal Building, Room 9C-10, National Institutes of Health, Bethesda, Maryland 20205, Telephone: 301/496-9223.

Name of committee: Communicative Disorders Review Committee.

Dates: October 24-27, 1984.

Place: Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open: October 24, 7:00 p.m.-7:30 p.m.

Closed: October 24, 7:30 p.m.-recess; October 25, 9:00 a.m.-recess; October 26, 8:00 a.m.-recess; October 27, 8:00 a.m.-adjournment.

Closure reason: To review grant applications.

Executive Secretary: Dr. Marilyn Semmes, Federal Building, Room 9C-14, National Institutes of Health, Bethesda, Maryland 20205, Telephone 301/496-9223.

Name of committee: Neurological Disorders Program Project Review A Committee.

Dates: October 25-27, 1984.

Place: The Holiday Inn Georgetown, 2101 Wisconsin Avenue, Washington, D.C. 20007.

Open: October 25, 8:00 p.m.-8:30 p.m.

Closed: October 25, 8:30 p.m.- recess; October 26, 8:30 a.m.-recess; October 27, 8:00 a.m.- adjournment.

Closure reason: To review grant applications.

Executive Secretary: Dr. Leon Jack Greenbaum, Jr., Federal Building, Room 9C-14, National Institutes of Health, Bethesda, Maryland 20205, Telephone: 301/496-9223.

(Catalog of Federal Domestic Assistance Program No. 13.853, Clinical Basis Research; No. 14.854, Biological Basis Research)

Dated: August 1, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-20859 Filed 8-7-84; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Alaska Peninsula National Wildlife Refuge Comprehensive Conservation Plan/Environmental Impact Statement and Wilderness Review, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and public hearings.

SUMMARY: The U.S. Fish and Wildlife Service has prepared for public review a draft comprehensive conservation plan, wilderness review, and environmental impact statement (CCP/EIS) for the Alaska Peninsula National Wildlife Refuge, Alaska, pursuant to sections 304(g)(1) and 1317 of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), section 3(d) of the Wilderness Act of 1964, and section 102(2)(C) of the National Environmental Policy Act of 1969. The draft CCP/EIS describes four alternative strategies for long-term management of the 3.5-million-acre refuge. Several scenarios, each of which proposes certain acreages of non-wilderness lands on the refuge, are discussed regarding their suitability under each management alternative for addition to the National Wilderness Preservation System.

DATES: Comments on the draft CCP/EIS must be submitted on or before November 19, 1984, to receive consideration in the preparation of the final CCP/EIS.

One formal public hearing and nine public meetings will be held as scheduled below to receive comments on the draft CCP/EIS:

Date	Time	Place
Public Hearing:		
Oct. 31, 1984	7:00 p.m.	Fairview Community Center, 1121 E. 10th Avenue, Anchorage, Alaska.
Public Meetings:		
Sept. 24, 1984.	10:00 a.m.	Pilot Point City Hall.
	7:00 p.m.	Chignik Bay Town Hall.
Sept. 25, 1984.	9:30 a.m.	Chignik Lake School.
	3:00 p.m.	Port Heiden City Hall.
Nov. 5, 1984	7:00 p.m.	Cold Bay Community Service Facility Bldg.
Nov. 6, 1984	2:00 p.m.	False Pass, Mess Hall.
Nov. 7, 1984	10:00 a.m.	King Cove, Corporation Office Bldg.
Nov. 8, 1984	10:30 a.m.	Nelson Lagoon Community Bldg.
Nov. 8, 1984	7:00 p.m.	Sand Point Municipal Bldg.

Written and oral testimony will be accepted at the public hearing and will be transcribed for the official record. Written and oral comments will also be accepted at the public meetings. All comments and testimony, both oral and written received prior to the above date will be considered in preparation of the final CCP/EIS.

ADDRESS: Comments should be addressed to: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503 (Attn: William Knauer).

FOR FURTHER INFORMATION CONTACT: William Knauer, Wildlife Resources, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503, telephone (907) 786-3399.

A summary of the draft CCP/EIS has been prepared for general distribution. Copies of this summary will be sent to all persons and organizations who participated in scoping or received editions of the planning bulletin. The summary is available upon request from Mr. William Knauer.

Copies of the draft CCP/EIS have been sent to all agencies that participated in the scoping process and to agencies and persons that have already requested copies. Those wishing to review the full technical draft may obtain a copy by contacting Mr. Knauer. Copies of the draft CCP/EIS are also available for review at the above location, at the Alaska Peninsula National Wildlife Refuge Office, King Salmon, Alaska, and at the following locations:

U.S. Fish and Wildlife Service, Division of Refuge Management, 18th and C Street NW., Department of the Interior, Washington, D.C. 20240

U.S. Fish and Wildlife Service, Wildlife Resources, Lloyd 500 Building, Suite 1692, 500 NE Multnomah Street, Portland, OR 97232

U.S. Fish and Wildlife Service, Wildllfe Resources, 500 Gold Avenue SW., Room 1306, Albuquerque, NM 87103

U.S. Fish and Wildlife Service, Wildlife Resources, Federal Building, Fort Snelling, Twin Cities, MN 55111

U.S. Fish and Wildlife Service, Wildlife Resources, Richard B. Russell Federal Building, 75 Spring Street, Atlanta, GA 30303

U.S. Fish and Wildlife Service, Wildlife Resources, One Gateway Center, Suite 700, Newton Corner, MA 02158

U.S. Fish and Wildlife Service, Wildlife Resources, 134 Union Boulevard, Lakewood, CO 80225.

SUPPLEMENTARY INFORMATION: The draft CCP/EIS for the Alaska Peninsula National Wildlife Refuge was developed by the U.S. Fish and Wildlife Service, Department of the Interior to fulfill the requirements of section 304 of ANILCA relating to preparation of comprehensive conservation plans and the requirements of section 1317 of ANILCA and section 3(d) of the Wilderness Act relating to general wilderness suitability review of non-wilderness refuge lands.

Major issues addressed by the plan include fish and wildlife management, access, recreation and public use, oil and gas exploration and leasing, and wilderness management. The draft CCP/EIS addresses four alternatives for long-range management of the refuge including one that would continue current management (the no-action alternative). The other alternatives cover a broad spectrum of management emphasis ranging from maximum to minimum use of refuge resources. A preferred alternative, representing an intermediate or balanced aproach to management of the refuge, is identified.

The plan also describes the general wilderness suitability of up to 3,417,000 acres of non-wilderness refuge lands under each management alternative. This complies with section 1317(a) of ANILCA which requires the Secretary of the Interior to review, in accordance with section 3(d) of the Wilderness Act, all non-wilderness refuge lands in Alaska as to their suitability for preservation as wilderness and report his recommendations to the President by 1985.

Other government agencies and the general public contributed to the development of this draft CCP/EIS. The Notice of Intent to prepare the draft CCP/EIS was published in the October 29, 1981, **Federal Register.** Five public meetings were held during November 1981 in Cold Bay, Anchorage, Port Heiden, Sand Point, and Chignik Lake, Alaska. Several editions of a planning bulletin were sent to more than 500 persons and organizations. During August 24–25, 1982, a series of workshops was held in Anchorage to help define issues involving refuge resources.

All agencies and persons wishing to comment are urged to do so as soon as possible. However, all comments received by the date given above will be considered in preparation of the final EIS.

Dated: July 18, 1984.

Robert E. Putz,

Regional Director.

[FR Doc. 84-20607 Filed 8-7-84; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Refund Procedures and Order to Pay Royalties

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of Refund Procedures and Order to Pay Royalties.

SUMMARY: The purposes of this notice are to revise the Department of the Interior's Notice of Refund Procedures published in the **Federal Register** on April 25, 1984, and to require payors who have already deducted the amount to be refunded from their existing royalty obligations to repay that amount within 60 days.

FOR FURTHER INFORMATION CONTACT:

Mr. Milton Dial, Chief, Royalty Compliance Division, FTS 326-3011 (303) 231-3011

Mr. James Detlefs, Acting Chief, Fiscal Accounting Division, FTS 326-3281 (303) 231-3281.

SUPPLEMENTARY INFORMATION: Payors of royalties on Federal and Indian leases who are due refunds as a result of the Supreme Courts's decisions in *Interstate Natural Gas Association of America, et al.* (INGA) v. *The Federal Engergy Regulatory Commission* (FERC) have been asked to filed requests for refunds in accordance with instructions provided in 49 FR 17824, dated April 25, 1984. Until a payor has complied with these instructions, it cannot be found "to the satisfaction of the Secretary" that the payor has made an overpayment. See 43 U.S.C. 1339(a) and 1734(c). No payor may take a credit against its royalty obligation for overpayments under FERC Orders 93 and 93A until these instructions are followed.

Tolling Periods

For Outer Continental Shelf leases, the Department of the Interior (DOI) finds that the 2-year statute of limitations mandated in setion 10 of the Outer Continental Shelf Lands Act (OCSLA) was tolled for all payors on November 9, 1983, with a letter to all payors (see appendix below). For payors who submitted requests prior to that date that met the requirements of a section 10 claim under the OCSLA, the statute of limitations will be tolled as of the date the DOI received the payor's request. See Solicitor's Opinion M-36942, 88 I.D. 1090, 1100-02 (1981).

The end of the tolling period will be determined using criteria established in FERC's **Federal Register** notice of May 7, 1984, (49 FR 19293). For large payors (those who sold more than 10 Bcf of gas in 1983), the tolling period will expire on November 3, 1984, and for small payors (those who sold 10 Bcf or less of gas in 1983), the tolling period will expire May 3, 1985. MMS may extend the tolling period to the extent FERC extends its proceedings.

Modification of Part I Submission Requirements

Submission for Part I of refund applications from payors on onshore leases whose total refund request is $25,000 or less need only provide the information requested in Items 1 and 3 of that part.

The DOI has determined that the information requested in Part I, Item 2, of DOI's April 25, 1984, notice should be changed. Instead of the information requested in Item 2, payors must provide a refund schedule denoting on a lease-by-lease basis, the following information:

(a) The sales quantity, sales value, and the royalty reported and paid to MMS on a dry, or as-delivered basis.

(b) The sales quantity, sales value and the royalty reported and paid on a saturated basis.

(c) The amount of royalty overpaid.

MMS auditors will select a sample of leases from the refund schedule for detailed audit. All necesary data regarding the sample of leases selected must be provided by the company to the MMS auditors to facilitate the audit.

All audit work including a determination of refund eligibility will be completed within 60 days of receipt of the refund schedule.

After its company-by-company review, specific instructions will be issued by MMS on how to report the refund request on Form MMS-2014.

All other requirements in DOI's notice of April 25, 1984, shall remain the same.

Order to Pay Roayalties

Finally, MMS has learned that certain payors, without following these instructions, have already reduced their royalty payments by an amount equal to the refund they claim as a result of the decision in *INGA* v. *FERC*. This reduction of royalty payments is in violation of the lease, the regulations, and Associate Director Robert E. Boldt's letter of November 9, 1983. Any payor who has so reduced its royalty payment must repay the amount within 60 days of the date of this notice and order. MMS will then calculate the interest owed to the Government. Failure to pay royalty within the time set in this order will be considered to be done knowingly and willfully. See 30 U.S.C. 1719(c)(1) and 43 U.S.C. 1350(c).

Dated: July 25, 1984.

Robert E. Boldt,

Associate Director for Royalty Management.

Appendix

November 9, 1983.

Dear Payor: Please be advised that a final decision has not yet been rendered in the case of *Interstate Natural Gas Association of America, et al. v. Federal Energy Regulatory Commission.* Although the D.C. Circuit Court of Appeals denied a Petition for Rehearing in the case, a Final Order has not yet been issued. In addition, the FERC has directed its Solicitor's Office to request authority from the Department of Justice to file for *Certiori* from the Supreme Court.

Until such time as a final order has been issued in the case, the Minerals Management Service (MMS) will not accept FERC Order 93 of 93A refund adjustments. MMS will notify payors of a final legal decision when it is rendered and provide specific instructions on procedures for claiming refunds in the event that the lower court ruling is upheld. Any Payor who has included FERC 93 or 93A refund adjustments in prior MMS-2014 reports, should reverse the adjustments in next month report.

Thank you for your cooperation on this matter. If you have any questions, please contact the Lessee Contact Branch of the Minerals Management Service at 303-231-3288.

Sincerely,

Robert E. Boldt,

Associate Director for Royalty Management.

[FR Doc. 84-20949 Filed 8-7-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Exxon Co., U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a DOCD describing the activities it proposes to conduct on Leases OCS 016 and 026, Blocks 30 and 31, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Grand Isle, Louisiana.

DATE: The subject DOCD was deemed submitted on July 30, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. 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, 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 30, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-20068 Filed 8-7-84; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[TA-503(a)-12 and 332-187]

President's List of Articles Which May Be Designated or Modified as Eligible Articles for Purpose of the U.S. Generalized System of Preferences

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of sections 503(a) and 131(b) of the Trade Act of 1974 (hereinafter referred to as "the Act") (19 U.S.C. 2463(a) and 2151(b)) and section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the Commission has instituted investigation No. TA-503(a)-12 and 332-187 for the purpose of obtaining, to the extent practicable, information of the kind described in section 131(d) of the Act. This information is for use in connection with the preparation of advice requested by the U.S. Trade Representative (USTR) with respect to certain listed articles as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers of the modification of the list of articles eligible for duty-free treatment under the United States Generalized System of Preferences (GSP), set forth in Title V of the Act.

EFFECTIVE DATE: August 2, 1984.

FOR FURTHER INFORMATION CONTACT:

(1) Agricultural products, Mr. David Ingersoll (202-724-0068).
(2) Chemical products, Mr. John Gersic (202-523-0451).
(3) Textiles and apparel, Mr. Reuben Schwartz (202-523-0114).
(4) Minerals and metals, Mr. Larry Brookhart (202-523-0275).
(5) Machinery and equipment, Mr. Aaron Chesser (202-523-0275).
(6) Miscellaneous manufacturers, Mr. Walter Trezevant (202-724-0353).

All of the above are in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel at 202-523-0487.

Background and Scope of Investigation

On July 16, 1984, in accordance with sections 503(a) and 131(a) of the Act and pursuant to the authority of the President delegated to the USTR by Executive Order 11846, as amended by Executive Order 11947, and pursuant to section 332(g) of the Tariff Act of 1930, the USTR requested advice in four areas related to the GSP: (1) The addition of certain articles to the list of GSP eligible articles (see Annex, Part A), (2) the removal of an article from the GSP list (see Annex, Part B), (3) the removal of duty-free status under the GSP for certain beneficiary developing countries for certain articles ("Graduation") (see Annex, Part C) and (4) a determinatin of whether or not certain articles are like or directly competitve with any article produced in the United States on January 3, 1975, for purposes of section 504(d) of the Act (see Annex, Part A).

For each article being considered for addition to the list of eligible articles, the Commission will advise the USTR as to the probable economic effect of the addition on U.S. industries producing like or directly competitive articles and on consumers. For each article being considered for removal or graduation, the Commission will advise the USTR as to the impact on U.S. industries producing like or directly competitive articles and on consumers of continued GSP status for the articles and countries in question.

In providing its advice, the USTR requested the Commission to assume that benefits of the GSP would not apply to imports that would be excluded from receiving such benefits by virtue of the "competitive need" limitations specified in section 504(c) of the Act.

A list giving detailed descriptions of the articles contained in the TSUS(A) items identified in the Annex is available upon request from the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436 (202-523-5178).

The USTR announced the items which have been sent to the Commission for probable effects advice in the July 16, 1984, **Federal Register** (49 FR 28783).

Public Hearing

A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., on October 1, 1984, to be continued on October 3, 1984, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, September 25, 1984.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Written statements should be received by the close of business on September 25, 1984. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirments of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: August 3, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Annex

A. Petitions to add products to the list of eligible articles for the Generalized system of Preferences:

141.30
460.40
685.27
720.34
772.3095
772.3095(pt) [1]

B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences:

408.22(pt) [2]

C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences:

413.24 (Rep. of Korea)
416.4540(pt) (Israel) [3]
417.4440(pt) (Israel) [4]
418.32(pt) (Israel) [5]
420.02 (Israel)
420.3605 (Israel)
421.6280(pt) (Israel) [6]
422.78(pt) (Israel) [7]
425.24(pt) (Israel) [8]
425.9940(pt) (Israel) [9]
429.4830(pt) (Israel) [10]
429.4860(pt) (Israel) [11]
429.9590(pt) (Israel) [12]
432.25(pt) (Israel) [13]
511.6120 (Mexico)
646.92 (Hong Kong, Rep. of Korea, Taiwan)
653.00 (Rep. of Korea)
654.25 (Taiwan)
657.35 (Taiwan)
657.3520 (Taiwan)
680.14 (Taiwan)
735.2020 (Hong Kong)
771.41 (Taiwan)
771.45 (Taiwan)

[FR Doc. 84-21048 Filed 8-7-84; 8:45 am]

BILLING CODE 7020-02-M

[1] Infants' pants of rubber or plastics.
[2] Trifluralin.
[3] Hydrobromic acid.
[4] Ammonium bromide.
[5] Calcium bromide.
[6] Sodium bromate.
[7] Zinc bromide.
[8] Ethylene bisbromonorbornane.
[9] Monobromoacetic acid.
[10] Bromotrifluoromethane; and chlorobromodifluoromethane.
[11] Acetylene tetrabromide; alkyl bromides; bromochloromethane; ethyl bromide; 1,3,5,7,9,11-hexabromocyclododecane; methyl bromide; methylene dibromide; and vinyl bromide.
[12] Dibromoneopentyl glycol.
[13] Mixtures that are in whole or part of bromine.

[Investigations Nos. 701-TA- 218 and 219 (Preliminary)]

Cold-Rolled Carbon Steel Sheet and Carbon Steel Structural Shapes From the Republic of Korea; Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that industries in the United States are materially injured by reason of imports from the Republic of Korea of cold-rolled carbon steel sheet [2] provided for in item 607.83 of the Tariff Schedules of the United States (TSUS) (inv. No. 701-TA-218 (Preliminary)), and of carbon steel angles, shapes, and sections having a maximum cross-sectional dimension of 3 inches or more [3] provided for in item 609.80 of the TSUS (inv. No. 701-TA-219 (Preliminary)) which are alleged to be subsidized by the Government of Korea.

Background

On June 18, 1984, United States Steel Corp., Pittsburgh, Pa., filed petitions with the Commission and the Department of Commerce alleging that industries in the United States are materially injured or threatened with material injury by reason of imports from the Republic of Korea of cold-rolled carbon steel sheet and carbon steel structural shapes which are allegedly being subsidized by the Government of Korea. Accordingly, effective that date, the Commission instituted these preliminary countervailing duty investigations under section 703(a) of the Act (19 U.S.C. 1671b(a)).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on June 28, 1984 (49 FR 26648). The Commission's conference was held in Washington, D.C. on July 10, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on August 2, 1984. The views of the Commission are contained in USITC Publication 1559 (August 1984), entitled "Investigation No. 701-TA- 218 and 219 (Preliminary), Cold-Rolled Carbon Steel Sheet and Carbon Steel Structural Shapes From the Republic of Korea."

Issued: August 1, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-21050 Filed 8-7-84; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).
[2] Chairwoman Stern determined that there is a reasonable indication of threat of material injury.
[3] Chairwoman Stern dissenting on angles, shapes, and sections.

[Investigation No. 337-TA-184]

Certain Foam Earplugs; Commission Decision Not to Review Initial Determination Terminating Five Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review an initial determination (I.D.) to terminate AM-Produkte, GmbH, Walter Schleicher, Eastern Safety Equipment Company, Inc., and Techmed, GmbH, as respondents in the above-captioned investigation based on settlement agreements. The Commission has also determined not to review the I.D. with regard to the termination of respondent Tasco Sales Co., Inc., because Tasco Sales is no longer doing business.

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the **Federal Register** of July 6, 1984, 49 FR 27836. No petitions for review were filed, nor were any comments from Government agencies or the public received.

Copies of the I.D. and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0079.

Authority: 19 U.S.C. 1337; 19 CFR 210.53 (a), (c) and (h).

Issued: August 2, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-21051 Filed 8-7-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-184]

Certain Foam Earplugs; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Inoue MPT.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on August 3, 1984.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, International Trade Commission, telephone 202-523-0176.

Issued: August 3, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-21051 Filed 8-7-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA- 215 through 217 (Preliminary and 731-TA- 191 through 195 (Preliminary)]

Oil Country Tubular Goods From Argentina, Brazil, Korea, Mexico, and Spain; Determinations

On the basis of the record [1] developed in investigations Nos. 701-TA 215 through 217 (Preliminary), the Commission unanimously determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured [2] by reason of imports from Brazil, Korea, and Spain of oil well tubing, casing, and drill pipes provided for in items 610.32, 610.37, 610.39, 610.40, 610.42, 610.43, 610.49, and 610.52 of the Tariff Schedules of the United States, upon which bounties or grants are alleged to be paid.

In addition, on the basis of the record [1] developed in investigations Nos. 731-TA- 191 through 195 (Preliminary), the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673(a)), that there is a reasonable indication that an industry in the United States is materially injured [2] by reason of imports from Argentina, Brazil, Korea, and Spain of oil well tubing, casing, and drill pipes provided for in items 610.32, 610.37, 610.39, 610.40, 610.42, 610.43, 610.49, and 610.52 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On June 13, 1984, Lone Star Steel Co., and CF&I Steel Corp., U.S. producers of oil country tubular good, filed petitions with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that an industry in the United States is being materially injured or threatened with material injury by reason of subsidized oil country tubular goods from Brazil, Korea, and Spain, and LTFV imports of oil country tubular goods from Argentina, Brazil, Korea, Mexico, and Spain. Accordingly, effective June 13, 1984, the Commission instituted preliminary investigations under the provision of the Tariff Act of 1930. Notice of the institution of the Commission's investigaitons and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on June 25, 1984 (49 FR 25907). A public conference was held in Washington, D.C. on July 6, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on these investigations to the Secretary of Commerce on July 30, 1984. A public version fo the Commission's report, *Oil Country Tubular Goods From Argentina, Brazil, Korea, Mexico, and Spain* (investigations Nos. 701-TA- 215 through 217 (Preliminary and 731-TA-191 through 195 (Preliminary), USITC Publication 1555, 1984), contains the views of the Commission and information developed during the investigations.

Issued: July 30, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-21054 Filed 8-7-84; 8:45 am]

BILLING CODE 7020-01-M

[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairwoman Stern finds that there is reasonable indication that an industry in the United States is materially injured or is threatened with material injury by reason of imports of oil country tubular goods from Brazil, Korea, and Spain upon which bounties or grants are alleged to be paid, and by reason of imports of oil country tubular goods from Argentina, Brazil, Korea, Mexico, and Spain which are alleged to be sold at LTFV.

[Investigation No. 337-TA-179; Order No. 14]

Certain Spherical Roller Bearings and Components Thereof and Tools and Equipment for the Manufacture Thereof

For reasons of judicial economy and administrative necessity, and pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby relieve Administrative Law Judge John J. Mathias and designate Administrative Law Judge Paul J. Luckern as Presiding Officer in this investigation effective on the date of issuance of this order.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: July 26, 1984.

Donald K. Duvall,
Chief Administrative Law Judge.

[FR Doc. 84-21055 Filed 8-7-84; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 731-TA-145 (Final)]

Certain Steel Valves and Certain Parts Thereof From Japan; Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Japan of wedge gate, swing check, and globe valves, and specified parts of the foregoing,[3] of steel, provided for in item 680.17 of the Tariff Schedules of the United States, which the Department of Commerce has found to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective April 2, 1984, following a preliminary determination by the Department of Commerce that wedge gate, swing check, and globe valves, and certain parts of the foregoing, of steel, from Japan, were being, or were likely to be, sold in the United States at LTFV. Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 18, 1984 (49 FR 15288). The hearing was held in Washington, DC on June 19, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission voted on this investigation in public session on July 23, 1984.

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Eckes determines that an industry in the United States is materially injured by reason of less than fair value imports of the subject steel valves and certain parts thereof.

[3] The parts covered by this determination are machined valve bodies and partially completed valves, the latter consisting of machined valve bodies with one or more of the following parts: bonet, stem, wedge, handle, or seat rings.

The Commission transmitted its report on this investigation to the Secretary of Commerce on July 30, 1984. A public version of the Commission's report, *Certain Steel Valves and Certain Parts Thereof from Japan* (investigation No. 731-TA-145 (Final), USITC Publication 1556, 1984), contains the views of the Commission and information developed during the investigation.

Issued: July 31, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-21053 Filed 8-7-84; 8:45 am]
BILLING CODE 7020-02-M

[332-182]

The Position and Competitiveness of the United States in World Coal Trade

AGENCY: International Trade Commission.

ACTION: Cancellation of hearing.

EFFECTIVE DATE: August 2, 1984.

Background

The Commission, on its own motion, instituted, effective April 5, 1984, investigation No. 332-182, under the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), for the purpose of assessing the position and competitivenes of the United States in world coal trade.

Public Hearing

A public hearing was scheduled to be held in Norfolk, Va, beginning October 23, 1984 in connection with the investigation. Because no witnesses have requested an opportunity to testify, the Commission, on its own motion, canceled the hearing.

Written Submissions

In lieu of or in addition to appearance at the public hearing, interested persons were invited to submit written statements concerning the investigation no later than October 5, 1984. Because of the cancellation of the hearing, written submissions concerning the investigation will be received until November 9, 1984.

Notice of the institution of the investigation and the scheduling of a hearing was published in the **Federal Register** of April 18, 1984 (49 FR 15285).

Issued: August 3, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-21049 Filed 8-7-84; 8:45 am]
BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30430]

Chicago & North Western Transportation Co.—Exemption—Discontinuance of Service in Carver, Ramsey, and Hennepin Counties

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the discontinuance of service by Chicago and North Western Transportation Company over 45.36 miles of rail line in Carver, Ramsey and Hennepin Counties, MN from the requirement of prior approval under 49 U.S.C. 10903 *et seq.*, subject to employee protective conditions.

DATES: This exemption shall be effective on September 4, 1984. Petitions to stay must be filed by August 13, 1984. Petitions for reconsideration must be filed by August 23, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30430 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioners' representative, Myles L. Tobin, One North Western Center, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTRACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: July 27, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,
Secretary.

[FR Doc. 84-20589 Filed 8-7-84; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

United States Employment Service; Labor Certification Process for the Temporary Employment of Aliens in Agriculture; 1984 Adverse Effect Wage Rates

AGENCY: U.S. Employment Service, Employment and Training Administration, Labor.

ACTION: Notice of Adverse Effect Wage Rates.

SUMMARY: The Director, U.S. Employment Service, announces 1984 adverse effect wage rates (AEWRs), that is, the minimum wage rates which the Department of Labor has determined must be offered and paid to U.S. and alien workers by employers of temporary alien agricultural workers. AEWRs are established and set to prevent the employment of these aliens from adversely affecting the wages of similarly employed U.S. workers.

EFFECTIVE DATE: August 8, 1984.

Some employers, by terms of court orders or their job orders or applications for temporary alien labor certification, may have to pay the AEWR for all work performed in 1984, including work which may have taken place before this date.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas M. Bruening. Telephone: 202–376–6228.

SUPPLEMENTARY INFORMATION:

Requirement of Notice

The Department of Labor (DOL) has published regulations at 20 CFR Part 655, Subpart C, for the certification of nonimmigrant aliens for temporary employment in the United States in agriculture and logging. These regulations require the Director, United States Employment Service (USES), to cause a notice to be published in the **Federal Register** each calendar year, announcing the adverse effect wage rates (AEWRs) for agricultural workers (except sheepherders) in fourteen States and for sugar cane workers in Florida. 20 CFR 655.207; 48 FR 40175 (September 2, 1983).

Current Methodology

Based upon 1982–83 aggregate average weekly wage data supplied by the Bureau of Labor Statistics and upon the methodology set forth at 20 CFR 655.207 (48 FR 40175 (September 2, 1983)), DOL has computed the 1984 AEWRs. The AEWRs set forth in the table below have been computed using the methodology adopted by DOL by rulemaking on September 2, 1983. The AEWR for each State has been changed from last year's AEWR by the same percentage change as the percentage change (from the second year previous to the year previous) in the ES–202 report's aggregate average weekly wage rates for the appropriate group of agricultural workers. The appropriate group of agricultural workers are those U.S. agricultural workers described in the regulation at 20 CFR 655.207(b)(1) (48 FR 40175 (September 2, 1983)).

Agricultural Adverse Effect Wage Rates: 1984

The 1984 AEWRs, along with the 1983 AEWRs and the percentage changes in the various rates over the year are published in the table below.

TABLE.—AGRICULTURAL ADVERSE EFFECT WAGE RATES: 1984

States	1983 rates [1]	1984 rates	Percentage changes [2]
Arizona	$4.22	$4.10	−2.9
Colorado	([3])	([3])	
Connecticut	4.05	4.11	+1.5
Florida (except sugar cane)	4.34	4.54	+4.5
Florida (sugar cane only)	5.37	5.61	+4.5
Maine	4.15	4.21	+1.5
Maryland	4.38	4.54	+3.7
Massachusetts	4.05	4.11	+1.5
New Hampshire	4.34	4.41	+1.5
New York	4.20	4.26	+1.5
Rhode Island	4.05	4.11	+1.5
Texas	4.16	3.97	−4.5
Vermont	4.28	4.34	+1.5
Virginia	4.39	4.55	+3.7
West Virginia	4.24	4.40	+3.7

[1] 48 FR 40170 (September 2, 1983).

[2] Based upon the Bureau of Labor Statistics' ES–202 reports' aggregate average weekly wage data for appropriate groups of workers and the formula published at 20 CFR 655.207(b)(1) (48 FR 40175 (September 2, 1983)).

[3] DOL has determined that there are not yet available data sufficient to set an AEWR for Colorado. See 48 FR 40170 (September 2, 1983). When such data are available, the Director, U.S. Employment Service, will announce that State's AEWR in the FEDERAL REGISTER.

Signed at Washington, D.C. this 2nd day of August 1984.

Richard C. Gilliland,

Director, U.S. Employment Service.

[FR Doc. 84–20917 Filed 8–7–84; 8:45 am]

BILLING CODE 4510–30–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–170]

Armed Forces Radiobiology Research Institute; Renewal of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. R–84 to the Armed Forces Radiobiology Research Institue (the licensee) which renews the license for operation of the TRIGA reactor until November 8, 2000. The facility is located on the grounds of the National Naval Medical Center in Bethesda, Maryland.

The amended license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I. Those findings are set forth in the amended license. Opportunity for hearing was afforded in the notice of the proposed issuance of this renewal published in the **Federal Register** on November 25, 1980, at 45 FR 78314.

By letter dated August 7, 1981, Citizens for Nuclear Reactor Safety (CNRS) requested leave to intervene. A hearing process was begun. Subsequently, CNRS withdrew their contentions. The adjudicatory hearing was dismissed and the summary dispositions of the licensee and the staff were granted by Order of the Atomic Safety and Licensing Board on March 15, 1984. After the Order, the license renewal could then continue as an uncontested application.

The Commission has prepared a Safety Evaluation Report (NUREG–0882) and Supplement 1 to NUREG–0882 regarding the renewal of the Facility Operating License and has concluded that the facility can continue to be operated by the licensee without endangering the health and safety of the public.

The Commission also has prepared an Environmental Assessment for the renewal of Facility Operating License No. R–84 and has concluded that this action will not have a significant effect on the quality of the human environment. Notice of the Finding of No Significant Environmental Impact was published in the **Federal Register** on August 1, 1984 at 49 FR 30182

For further details with respect to this action, see (1) the application for amendment dated October 3, 1980, as supplemented, (2) the Notice of Final Finding of No Significant Environmental Impact, (3) Amendment No. 18 to License R–84, (4) the Commission's related Safety Evaluation Report (NUREG–0882), (5) Supplement 1 to the Safety Evaluation Report, and (6) the Environmental Impact Appraisal. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Copies of NUREG–0882, and Supplement 1 to NUREG–0882 may be purchased by calling (301) 492–9530 or by writing to the Publication Services Section, Division of Technical

Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 1 day of August 1984.

For the Nuclear Regulatory Commission

Cecil O. Thomas,

Chief, Standardization & Special Projects Branch, Division of Licensing.

[FR Doc. 84-21060 Filed 8-7-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Information Collection for OMB Review

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of information collection from the public submitted to OMB for clearance.

SUMMARY: In accordance with the "Paperwork Reduction Act of 1980" (Title 44 U.S.C. Chapter 35), this notice announces a collection of information from the public that has been submitted to OMB for clearance. It will be a blanket clearance to cover information collected from applicants, deans, and references in the selection of Presidential Management Interns to comply with President Ronald Reagan's Executive Order 12364. For copies of this proposal, call John P. Weld, Agency Clearance Officer, on (202) 632-7720.

DATE: Comments on this proposal should be received within 10 working days from the date of this publication.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, Washington, D.C. 20415

and

Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Priscilla L. Levinson, (202) 254-6080.

Donald J. Devine,

Director, U.S. Office of Personnel Management.

[FR Doc. 84-21064 Filed 8-7-84; 8:45 am]

BILLING CODE 6325-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Economic Forecasting Advisory Committee; Regular Meeting

AGENCY: Economic Forecasting Advisory Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Review of Agenda and Forecast Schedule.
- Presentation on BONMOD.
- Discussion of sensitivity tests and alternative scenarios.
- Discussion of staff working paper and questionnaire.
- Public Comment.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Economic Forecasting Advisory Committee.

DATE: Thursday, August 16, 1984. 9:00 a.m.

ADDRESS: The meeting will be held at the Council Hearing Room at 700 SW. Taylor; Suite 200, in Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Terry Morlan, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-20967 Filed 8-7-84; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exchange Commission Office of Consumer Affairs Washington, D.C. 20549.

Extension of Approval
Rule 15Ba2-5
No. 270-91

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 15Ba2-5 (17 CFR 240.15Ba2-5) under the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) which requires that a fiduciary continuing the work of a registered municipal securities dealer file with the Commission within 30 days after entering upon performance of his duties a statement setting forth sustantially the information required by Form MSD or Form BD, whichever is appropriate. The potential affected persons, are approximately 1 registered municipal securities dealer per year. Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395-7231, Officer of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21039 Filed 8-7-84; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exchange Commission Office of Consumer Affairs.

Extension of Approval
Rule 17a-11
No. 270-94

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17a-11 (17 CFR 240.17a-11) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which requires certain records to be made by registered broker-dealers.

The potential affected persons are approximately 600 registered broker-dealers.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395-7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21040 Filed 8-7-84; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval
Rule 15Bc3-1

No. 270–93

Notice is hereby given that pursuant to the Paperwork reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 15Bc3–1 (17 CFR 240.15Bc3–1) under the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) which provides that withdrawal from registration as a bank municipal securities dealer is to be filed on Form MSDW. The potential affected persons are approximately 5 registered municipal securities dealers per year. Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395–7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

July 27, 1984.

[FR Doc. 84–21041 Filed 8–7–84; 8:45 am]

BILLING CODE 8010–01–M

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval

Rule 15Ba2–4

No. 270–90

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 15Ba2–4 (17 CFR 240.15Ba2–4) under the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) which requires the filing of a Form MSD or Form BD upon succession of a municipal securities dealer to the business or a registered municipal securities dealer. The potential affected persons are approximately 5 registered municipal securities dealers per year. Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395–7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

July 27, 1984.

[FR Doc. 84–21042 Filed 8–7–84; 8:45 am]

BILLING CODE 8010–01–M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval

Rule 15Ba2–2

No. 270–89

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 15Ba2–2 (17 CFR 240.15Ba2–2) under the Securities Exchange Act 1934 (15 U.S.C. 78 *et seq.*) which requires that the application for registration of a non-bank municipal securities dealer whose business is exclusively intrastate be filed on Form BD. The potential affected persons are approximately one non-bank municipal securities dealer per year.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395–7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

July 27, 1984.

[FR Doc. 84–21043 Filed 8–7–84; 8:45 am]

BILLING CODE 8010–01–M

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval

Rule 15Ba2–1

No. 270–88

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 15Ba2–1 (17 CFR 240.15Ba2–1) and Form MSD (17 CFR 249.110) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which require that an application for registration as a bank municipal securities dealer be filed with the Commission on Form MSD. The number of affected entities are approximately 24 a year.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395–7231, Office of Information and Regulatory Affairs, Room 3235 NEOB. Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

July 27, 1984.

[FR Doc. 84–21044 Filed 8–7–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 23384; 70–7003]

Central Power & Light Co.; Proposal for Pollution Control Financing; Exception From Competitive Bidding

August 2, 1984.

Central Power and Light Company ("Company"), 120 North Chaparral Street, Corpus Christi, TX 78401, a wholly owned subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration pursuant to sections 6(a), 7, 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 50 promulgated thereunder.

The Company, Houston Lighting and Power Company and the municipal electric systems of San Antonio and Austin, Texas have begun construction of a 2500 MW nuclear generating plant (of which the Company will own 630 MW or 25.2%), the South Texas Project Units 1 and 2 ("STP").

To comply with applicable state and federal environmental control standards, it is necessary to acquire and construct certain pollution control facilities ("Facilities") as a part of STP. The Company proposes to enter into an Installment Sale Agreement ("Agreement") with the Matagorda County Navigation District ("District"), and instrumentality of the State of Texas, pursuant to which the District will finance of the Company's share of the Facilities. The Agreement will provide for the transfer by the Company to the District of the Company's interest in the Facilities, the reconveyance thereof to the Company and the reimbursement of the Company for its cost of acquiring and constructing the property so transferred. The Company will cause the construction of the Company's portion of the Facilities to be completed for the District.

The District will finance the acquisition and construction of the Company's portion of the Facilities and related costs through the issuance and sale, concurrently with the execution of the Agreement, of the District's Pollution Control Revenue Bonds ("Bonds"), in an aggregate amount of up to $200,000,000. The Bonds will be issued under a trust

indenture ("Indenture") with a corporate trustee ("Trustee") to be selected by the Company. The District will agree to issue the Bonds, under the conditions contemplated by the Agreement and the Indenture, to finance the Facilities.

The Bonds will bear interest semi-annually and will mature at a date or dates not more than 30 years from their nominal date of issue. The interest rate (fixed or otherwise), maturity dates, redemption provisions and other terms and conditions applicable to the Bonds will be determined by the Company and the underwriters. Such terms and conditions may include variable interest rates, interest rates redetermined periodically, intermediate term maturities and/or other terms and conditions deemed necessary or desirable to take maximum advantage of the then current market conditions. It is anticipated that the Bonds will be redeemable at any time in whole at the option of the Company at par plus accrued interest, upon the occurence of various specified extraordinary events that the Bonds will be subject to voluntary redemption at times and with premiums to be determined by the Company and the underwriters; and that the Bonds will be subject to mandatory redemption, in whole or in part, at par plus accrued interest if the Agreement shall become void or unenforceable or should be Bonds become taxable. In addition, the Bonds may allow the bondholders annually, subject to certain limitations, to require redemption or repurchase of the Bonds at par. This would cause pricing of the Bonds on a basis similar to pricing of short-term obligations. If so purchased, the repurchased Bonds may thereafter be remarketed. The Company has been advised that similar tax-exempt bonds currently carry an annual interest rate approximately 2%–4% lower than comparable taxable bonds.

The proceeds from the sale of the Bonds will be placed in a Construction Fund and will be disbursed from time to time to pay or to reimburse the Company for the cost of construction (including the costs of acquisition and construction paid by the Company prior to the acquisition of the Company's portion of the Facilities from the Company and interest on the Bonds during construction), the Trustee's expenses, the District's administrative and overhead expenses and all other costs and expenses incurred in connection with the issuance and sale of the Bonds. In the event the amounts in the Construction Fund are insufficient to pay such costs, the Agreement will obligate the Company to pay all additional amounts.

The Company will agree to pay to the District at specified times, in payment of the purchase price for the Company's portion of the Facilities, amounts sufficient to enable the District to pay debt service on the Bonds, including principal, interest and redemption premium, if any. Pursuant to the Indenture, the District will assign to the Trustee all such amounts payable under the Agreement.

It is contemplated that the Bonds will be sold by the District pursuant to an agreement ("Underwriting Agreement") between the District and an underwriting group the Company will not be a party to the Underwriting Agreement, but the Underwriting Agreement will be subject to approval by the Company.

The Company has stated that competitive bidding with respect to the terms of the Agreement is not adapable to the transaction because of the Bonds are being issued by the District, and are consequently not subject to the Act. Therefore, the Company has requested that the Agreement be excepted from the competitive bidding requirements of Rule 50 as inappropriate.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 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 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 receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21046 Filed 8-7-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14077; 812-5871]

District Associates of Washington Limited Partnership and Potomac Real Estate Group, Inc.; Application

August 2, 1984.

Notice is hereby given that District Associates of Washington Limited Partnership, a proposed District of Columbia limited partnership ("Partnership") and its general partner Potomac Real Estate Group, Inc., a Delaware corporation ("Potomac," together with the Partnership, "Applicants"), c/o The Investment Group Capital Corp., 1150 Seventeenth Street NW., Washington, D.C. 20036, filed an application on June 12, 1984, and an amendment thereto on July 3, 1984, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for an order exempting the Partnership from all provisions of the Act and all rules and regulations thereunder. 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 to the Act for the applicable statutory authority.

Applicants state that the Partnership is to be formed under the District of Columbia Uniform Limited Partnership Act upon admittance of limited partner investors ("Limited Partners"), purchasing approximately 76 units of limited partnership interests of a maximum 100 units at $59,750 per unit ("Units"). The Units will be offered pursuant to section 4(2) of the Securities Act of 1933 and Regulation D promulgated thereunder as set forth in Applicants' Private Placement Memorandum ("Memorandum"), an exhibit to the application. The aggregate offering is for $5,975,000 in Units. Applicants state that the Partnership will operate as a "two-tier" partnership, i.e., the Partnership as a limited partner intends to invest in four local limited partnerships ("Local Limited Partnerships") that will own and operate government assisted housing, primarily for persons of low to moderate income, located in Norwich, Connecticut and the District of Columbia. Investments in the Local Limited Partnerships are represented to be in accordance with the purposes and criteria set forth in Investment Company Act Release No. 8456 (August 9, 1974) ("the Release"). An affiliate of Potomac will act as a special limited partner in the Partnership.

Applicant will form the Partnership upon sale of at least 76 Units, and preliminary approval by the United

States Department of Housing and Urban Development ("HUD") of the transfers of interest in the Local Limited Partnerships. Pending sufficient Partnership Units sales, investment proceeds will be deposited in a segregated, insured, bearing, escrow account, non-interest maintained with the placement agent for the benefit of investors. If the minimum sales are not effected prior to the offering's termination date, June 30, 1985, then all funds paid by investors will be refunded, without interest or reduction, and investor notes will be returned. Potomac and its affiliates may purchase Units in the offering and may loan capital in order to commence the Partnership.

Through the investments in Local Limited Partnerships, Applicants intend to realize (a) potential increase in equity in real property through amortization of mortgage indebtedness, (b) cash flow from operations pursuant to HUD regulations, (c) appreciation in real property value, (d) cash distributions from the sale or refinancing of real property, and (e) certain tax benefits. The limited partnership form, Applicants state, is the only organization which permits investors to claim certain tax items arising from the Partnership's interest in the Local Limited Partnership and limits liability to the amount of capital contribution. Applicant do not concede that the Partnership or Potomac is an investment company for purposes of the Act, but instead such an exemption from the Act based on the Release. They represent that the Units will be sold only to investors for whom investments in a limited profit, essentially tax sheltered, investments are suitable and that the Limited Partnership Agreement ("Limited Partnership Agreement") includes provisions requiring fair dealing by Potomac with the limited partners.

The Local Limited Partnerships will own and operate multifamily apartment complexes, one of which benefits from the HUD Section Section 8 program, the remaining three of which benefit from rental supplement payments pursuant to Section 101 of the Housing and Urban Development Act of 1965. All four of the apartment complexes are recipients of HUD Mortgage Loan Insurance under Section 236 which requires that dwelling units be rented to persons of low and moderate income. Morever, Applicant claim the Partnerhip will implement the policy of Section 901 of Title IX of the Housing and Urban Development Act of 1968 "to encourage the widest possible participation by private enterprise in the provision of housing for low moderate income families . . ."

The suitability standards for investment in the Partnership Applicants believe, are consistent with the Release and the guidelines of those states which prescribe such standards. Units will be sold by selected broker-dealers only to persons who have such knowledge and experience in financial and business matters that they are capable of evaluating the merits and risks of the prospective investment. Investors must represent to the Partnership, for each Unit purchased, that they have a net worth (exclusive of home, furnishings and automobiles) in excess of $175,000 and anticipate a portion of income through 1989 will be subject to income tax at the rate of 45% or more, or the investor has, alone or with spouse, a net worth in excess of $1,000,000 at the date of purchase, and reasonably expects individual gross income to exceed $200,000 in 1984.

Applicants state that the Limited Partnership Agreement and Memorandum contain numerous provisions to ensure fair dealing. For example, all compensation to be paid Potomac and its affiliates is specified and no compensation other than that disclosed will be paid. Granting that the amount of compensation was not determined by arm's-length negotiation, Potomac asserts in the application that all such compensation is fair and on terms no less favorable to the Partnership than would be the case if such arrangements had been made with independent third parties. Moreover, Applicants believe that the compensation meets all applicable guidelines necessary to permit the Units to be offered and sold in the various states which prescribe such guidelines, including but not limited to, the statement of policy adopted by the North American Securities Administrators Association, Inc., with respect to real estate programs.

According to the application, all potential conflicts of interest between Potomac and the Limited Partners are disclosed in the Memorandum, and the Limited Partnership Agreement contains various restrictions on the authority of Potomac. In particular, Potomac will not have the authority to (a) perform any act in violation of any applicable law or regulation thereunder; (b) do any act required to be affirmed in writing by Limited Partners by D.C. law unless such right has been expressly conferred in the Limited Partnership Agreement; (c) sell or otherwise dispose of all or substantially all the interest of the Partnership in any Local Limited Partnership or all or substantially all of the assets of the Partnership without the consent of 51% in interest of the Limited Partners; (d) vote on behalf of the Partnership as a partner of the Local Limited Partnerships to approve the modification of the mortgage or any successor loans, or to approve any substantial sale without the consent of 51% in interest of the Limited Partners; (e) vote on behalf of the Partnership as a partner of the Local Limited Partnerships to add to, detract from or otherwise modify the purposes of the Local Limited Partnerships without the consent of all Limited Partners; (f) amend the Limited Partnership Agreement, except as permitted therein; or, (g) borrow from the Partnership. In addition, the Partnership Agreement provides that certain significant actions cannot be taken by Potomac without the express consent of a majority in interest of Limited Partners. The significant actions include a sale of the Partnership's interest in a Local Limited Partnership, a dissolution of the Partnership and the admission of a successor or additional general partner.

An indemnification provision is contained in the Limited Partnership Agreement for acts committed or omitted by Potomac in good faith on behalf of the Partnership and in a manner reasonably believed by it to be within the scope of authority granted and in the best interests of the Partnership. Potomac acknowledges in the application, and the Memorandum discloses, that the Commission is of the opinion that to the extent indemnification for liabilities arising under the Securities Act is provided, such indemnification in contrary to public policy and is, therefore, unenforceable. Accordingly, the application states, the Limited Partnership Agreement restricts the ability of Potomac to claim indemnification from the Partnership.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 27, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the requests should be served personally or by mail upon Applicant 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. 84-21047 Filed 8-7-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23383; 70-7004]

GPU Service Corp. and General Public Utilities Corp.; Proposed Issuance and Sale of Long-Term Notes by Service Company and Guarantee by Holding Company

August 2, 1984.

General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary service company, GPU Service Corporation ("GPUSC"), 100 Interpace Parkway, Parsippany, New Jersey 07054, have filed a declaration with this Commission pursuant to sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

GPU is the owner of two office buildings, one of which, of 102,000 square feet, is located on a 20.5 acre parcel near Reading, Pennsylvania (the "Reading Building"). GPUSC now finds it necessary to provide additional office space for its employees at the Reading Building site and, for that purpose, intends to construct an approximately 151,000 square feet addition to the Reading Building. GPUSC anticipates that construction of the addition will commence in September 1984 and will be completed in January 1986. Consequently, GPUSC proposes to enter into a Standby Credit and Term Loan Agreement ("Loan Agreement") with a group of banks ("Banks") for which Mellon Bank, N.A., Pittsburgh, Pennsylvania ("Mellon") will act as Agent. Pursuant to the Loan agreement, GPUSC proposes to issue and sell to the Banks its promissory notes ("Notes") in an aggregate principal amount of up to $28 million. The Notes will be prepayable at certain times, without penalty, and will be subject to mandatory repayment under certain circumstances. GPUSC will apply the proceeds from the issuance and sale of the Notes to pay for construction of the Reading Building addition (estimated at approximately $24 million) and to repay the outstanding balance ($3.9 million) of a maturing first mortgage on the Reading Building

GPUSC will repay the principal amount of the Notes in 32 equal quarterly payments beginning on June 30, 1986. Interest on the Notes will be payable by GPUSC not less often than quarterly. GPUSC may select from among alternative interest rates for the Notes during the periods indicated as follows: (1) For the period commencing on the date of execution of the Loan Agreement through March 31, 1986 (the "Standby Period"), Mellon's prime rate of commercial lending as in effect from time to time (the "Prime Rate") plus ⅛ of 1% *or* 1⅛% above the sum of (I) the rate payable by certain commercial banks on Certificates of Deposit, after giving effect to the Federal Reserve System reserve requirement for Certificates of Deposit and (II) the rate payable by Mellon for insurance to the Federal Deposit Insurance Corporation, both as in effect from time to time (the "CD Rate"); (2) for the period April 1, 1986, through March 31, 1988, ⅜ of 1% above the Prime Rate *or* 1⅞% above the CD Rate; (3) for the period April 1, 1988, through March 31, 1992, ⅝ of 1% above the Prime Rate *or* 2⅛% above the CD Rate; and (4) for the period April 1, 1992, through March 31, 1994, ⅞ of 1% above the Prime Rate *or* 2⅜% above the CD Rate. During the Standby Period, GPUSC will pay to the Banks a commitment fee of ½ of 1% on the portion of the total $28 million commitment which remains unborrowed. In addition, GPUSC will pay to Mellon an agent's fee of $50,000 upon the execution of the Loan Agreement and $12,500 annually thereafter, commencing in 1985.

The Notes will be secured by a first mortgage lien on and security interest in the Reading Building as well as a second mortgage lien on and security interest in GPUSC's other office building. In addition, GPU proposes unconditionally to guarantee GPUSC's payment of principal and interest on the Notes.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. interested persons wishing to comment or request a hearing should submit their views in writing by August 30, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21045 Filed 8-7-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14078; 812-5803]

Principal Certificate Series, Inc.; Application

August 2, 1984.

Notice is hereby given that Principal Certificate Series, Inc. ("Applicant") 6310 North Scottsdale Road, Scottsdale, Arizona 85253, a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), filed an application on March 26, 1984, for an order pursuant to section 6(c) of the Act to permit Applicant to make advances or loans to its certificate holders on the security of their certificates at a per annum rate of interest in excess of six percent. 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 to the Act for the text of the applicable statutory provisions.

Applicant states that it is the issuer of Single Payment Face-Amount Certificates Series SP, Principal Plus Single Payment Face-Amount Certificates, and Installment Payment Face-Amount Certificates Series AP. It was incorporated under the laws of the State of Delaware on May 1, 1959, and began business as an issuer of face-amount certificates on August 1, 1960. As of December 31, 1982, all of the issued common stock of Applicant was owned of record and beneficially by four individual stockholders. The sole business of Applicant is that of issuing face-amount certificates for sale to the public through a distributor and investing the proceeds. Investors make either a single payment or periodic payments in order to purchase a certificate based upon an agreement that at a fixed future date, Applicant will pay to the investor a fixed amount of money representing a predetermined rate of return on the certificate holder's investment. At the complete discretion of Applicant's board of directors, this return can be supplemented by declarations of additional interest.

Applicant states further that it intends to provide its certificate holders with the right to receive, prior to the maturity date of their certificates, advance monies as loans from Applicant with the

certificate serving as security for repayment of such advances. Applicant proposes to charge interest for these loans on a daily basis on the greater of the maximum daily balance or closing daily balance of the total indebtedness. The interest charged would be at a rate of 400 basis points above the prime interest rate. When referred to in this context, the "prime interest rate" means the rate of interest publicly announced by any one of the major United States banks designated by Applicant for its lowest risk loans. The bank that currently would be designated for this purpose is Citibank N.A.

Applicant states that the interest rate charged for the proposed loans would vary based on changes in the prime interest rate. However, in no event would the interest charge exceed any applicable consumer loan rate ceilings. There would be no required monthly payments, and all loans could be repaid in part or in whole by the certificate holder at any time without penalty. Regardless of how long a loan is outstanding, upon maturity of the certificate the investor would still receive from Applicant the initially agreed upon certificate value, minus any loan amounts and interest payments still due. The investor would also receive any additional interest on the amount invested, which was not then outstanding as loans to certificate holders, as may have been declared each quarter at the discretion of Applicant's board of directors.

Applicant asserts that the purpose of the proposed order is to permit Applicant to receive a rate of return sufficiently commensurate with market interest rates for consumer loans to enable Applicant to offer loan services to its certificate holders. Unlike many comparable insurance products, which are required by regulation to provide loan services, the Act does not require that face-amount certificates offer this right. Currently, Applicant does not provide its certificate holders with the opportunity to receive advances. Nor will it be able to offer this privilege in the foreseeable future if the requested relief is not granted, because the six-percent limit makes such loans economically impractical in today's marketplace.

Applicant asserts that Congress clearly did not intend to prohibit the practice of loans being made by face-amount certificate companies to investors who use their certificates as security for such loans. This is self-evident from the fact that Congress specifically provided for these loans, albeit subject to the interest-rate limitation of Section 28(d)(5). Applicant further asserts that in today's marketplace, this limitation, as a practical matter, severely restricts the offering of this service because the six-percent limit is so far below the current market rate for comparable loans. Such a result is not consistent with the intent of Congress, it is stated.

Applicant further states that the six-percent limit was not intended by Congress to restrict the offering of loans. Rather, the six-percent ceiling was essentially a codification of what appears to have been the maximum loan rate voluntarily established by face-amount certificate companies. It is noted that the Commission reported to Congress that the interest rate chargeable on such loans was ordinarily stated to be "not exceeding six percent per annum." Applicant notes that this wording is precisely the language of section 28(d)(5) of the Act.

Applicant maintains that in the context of historical and prevailing interest rates at the time of the Act's adoption, six percent represented an extremely high rate. For instance, during the period from 1934 through 1946, the prime interest rate remained constant at one and a half percent, Applicant states. The six-percent limit thus represented a 450 basis point markup from the prevailing prime interest rate for the six years immediately prior to adoption of the Act. Even more significantly, the limit was four times as high as the well-established prime rate. Furthermore, the prime interest rates generally moved within a very narrow range in both the decades prior and subsequent to adoption of the Act. In this context, the six-percent interest ceiling of section 28(d)(5) permitted interest rates that were at least commensurate with market rates for similar loans.

Applicant notes further that in contrast to the relatively low and stable interest rates which preceded and followed 1940, in recent years these rates have risen to an unprecedented plateau, and have fluctuated with frequency. For instance, in 1981, the prime interest rate ranged from 15.5 percent to 20.5 percent, it is noted, and in 1982, the range was between 11.5 percent and 17.0 percent. In 1983, the average monthly prime rate ranged from 10.5 percent to 11.16 percent. Applicant concludes that interest rates of such high levels could not have been reasonably foreseen by Congress in 1940.

Applicant also represents that another concern presented to Congress when it enacted the six-percent limit of section 28(d)(5) was that the effective interest charge to certificate holders was often higher than the disclosed rate because the face-amount certificate company would deduct interest payments in advance. Applicant states that it does not intend to engage in this practice. Moreover, its loan advance and disclosure form will disclose not only the monthly and annual interest rates, but also the effective interest rate per annum which reflects the monthly compounding of interest charges.

Applicant further states that the interest rate that it proposes to charge would be based upon a fair and reasonable standard. Specifically, it is directly related to the prime interest rate as publicly announced by a major United States bank designed by Applicant. This approach would be analogous to that presently used in the insurance industry for loans to policyholders. Until recently, most state laws restricted interest on such loans to a fixed level, Applicant notes. However, since 1981, forty-seven states have adopted the model provision of the National Association of Insurance Commissioners, a model permitting adjustable interest rates based on a stated index. The rates permitted under this alternative are far higher than those permitted by traditional fixed rates and exceed the curent prime interest rate. Applicant's markup over the prime rate, it is noted, is less than the markup over the same indicator which the six-percent limit represented when it was adopted. The amount of interest above the prime rate that Applicant would charge is similar to that charged for comparable consumer loans, and it is maintained that the public interest does not require that Applicant be more contrained in this regard than other consumer lenders.

Applicant maintains that if the requested exemption is granted, there would be no divergence from Congressional goals in establishing the six-percent limit of section 28(d)(5). In addition, since 1940, extensive federal and state regulations have been implemented regarding interest rates and disclosures designed to protect the borrower of monies, it is stated. For instance, most states have adopted interest rate ceilings for consumer finance and/or small loans. Additionally, on a national level, Applicant notes, the Consumer Credit Protection Act, and the rules promulgated thereunder, known as Regulation Z, or the Truth in Lending Regulations, provide extensive regulation of those who regularly extend or arrange for consumer credit. All of these safeguards typically would be

applicalbe to the loans Applicant proposes ot offer.

Applicant believes that, for the reasons noted above, the Commission should exempt it from section 28(d)(5) of the Act to the extent that the interest rates on its loans would exceed six percent. Such relief would enable Applicant to extend loan privileges to its certificate holders consistently with the intent of Congress.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 27, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues 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 Applicant 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. 84-21033 Filed 8-7-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21198; SR-Amex-84-12]

American Stock Exchange; Order Approving Proposed Rule Change

August 2, 1984.

The American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, NY 10006, submitted on April 27, 1984, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, relating to the Exchange's equities specialist performance allocation and reallocation procedures pursuant to Amex Rule 170 ("Registration and Function of Specialists").[1] The Exchange is amending its procedures to provide that in cases where a security has been relisted following a hiatus due to delisting, where specified criteria are met the security will be automatically allocated to the specialist who was previously registered as specialist in that security, without the participation of the Committee on Equities Allocations. The Exchange is also continuing its policy of automatically allocating certain newly listed securities that are closely related to an Amex-listed security to the specialist in the currently listed security, without the participation of the Allocations Committee. However, the Exchange is modifying this policy when securities of partially-owned subsidiaries, spin-offs and non-convertible senior securities of an existing listed security are involved, which the Exchange may deem to be less closely related to a security in which the specialist is currently registered. In such cases, the decision to subject the security to the formal allocation procedures or to assign it to the specialist in the related security, will be made by the Allocations Committee, based, in part, on an Exchange staff recommendation.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 21075, June 20, 1984) and by publication in the **Fedeal Register** (49 FR 26665, July 28, 1984). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21037 Filed 8-7-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21188; File No. SR-NASO-84-16]

National Association of Securities Dealers, Inc.; Filing of Proposed Rule Change

August 2, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 29, 1984, the National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, NW, Washington, DC 20006, file with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the amendment to the proposed rule change from interested persons.

The proposed rule change would amend the NASD Code of Arbitration to conform to recent amendments to the uniform arbitration code developed by the Securities Industry Conference on Arbitration. The Municipal Securities Rulemaking Board already has adopted the amendments to the uniform code.[1] The New York Stock Exchange has submitted a proposed rule change with the amendments, and the other self-regulatory organizations are expected to submit rule filings with those changes shortly.

The proposed rule change would: (1) Extend the time limitation on arbitration of claims to allow arbitration of claims over six years old if a court with jurisdiction over the claim directs that the claim be resolved by arbitration; (2) increase the dollar limit on simplified arbitration for small claims from $2,500 to $5,000; (3) lower the arbitration fees and deposits for claims under $2,500 and raise them for claims over $10,000; (4) allow arbitrators the discretion to bar respondent's presentation of facts or defenses that were not disclosed to the claimant prior to the hearing; (5) allow arbitrators to consolidate arbitrations where there are multiple claimants; (6) specify the rights of parties to challenge peremptorily appointments of arbitrators to the panel and provide unlimited challenges for causes; (7) allow arbitrators to assess costs in a dispute that was settled or withdrawn subsequent to the first hearing; and (8) permit a party to file amendments to its pleadings before a panel has been appointed if the amendment is filed in writing with the director of arbitration.

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,

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[1] The Exchange has previously filed and the Commission is now considering Amex procedures for the evaluation of equities specialist performance and for the allocation and reallocation of equity securities. (SR-Amex-83-27); Securities Exchange Act Release No. 20353, November 4, 1983; 48 FR 51992, November 15, 1983).

[1] *See*, SR-MSRB-84-5 which amends MSRB Rule G-35 and Rule A-16.

450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR–NASD–84–16.

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. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the NASD.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–21035 Filed 8–7–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21197; SR–NYSE–84–21]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

August 2, 1984.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street New York, NY 10005, submitted on June 8, 1984, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to implement certain enhancements to the NYSE's Designated Order Turnaround ("DOT") and Limit ("LMT") systems as well as an Immediate Reporting Service for specified securities.

The proposed rule change provides as follows: (i) The order-size eligibility in the DOT system would be increased from 599 shares to 1,099 shares for market orders, and the order eligibility size in LMT would be increased to 5,099 shares for all LMT orders;[1] (ii) marketable limit orders up to 1,099 shares would be treated as market orders for the purposes of DOT;[2] (iii) market orders up to 1,099 shares would be guaranteed execution at a single price (in such securities as the NYSE may from time to time determine); (iv) the NYSE's policy of specialists not charging a commission on DOT orders would be extended to both market orders and marketable limit orders up to 1,099 shares, but due to the greater service required on short sales, specialists would be authorized to charge commissions for both market and marketable limit orders to sell short; (v) the specialist's existing ½ point price guarantee (with certain exceptions as provided in NYSE Rule 123A.47) for execution prices reported through DOT would apply to market and marketable limit orders up to 1,099 shares,[3] and a new exception would be created providing that the specialist's guarantee would not apply to an erroneous execution report on a limit order if in fact, the subject security never reached the limit price on that trading day; (vi) the time parameter within which a specialist must report an execution or a "stop" on a DOT order (or cause a system generated report to be issued) would be reduced from five minutes to no less than two minutes [4]; and (vii) the NYSE's proposed "Immediate Reporting Service" would be used for certain stocks (to be selected by the NYSE) to provide for immediate execution and reporting through DOT for market and marketable limit orders up to 1,099 shares when the spread between the NYSE bid and the offer is ⅛ point and the NYSE quotation is the best Intermarket Trading System ("ITS") quotation in that stock.[5] The NYSE states that the proposed modifications to its DOT system will increase the operating efficiency of the Exchange and have become necessary due to substantial increases in its volume of transactions and in its average order size since 1976, when DOT was introduced.

As noted above, the NYSE's Immediate Reporting Service would provide immediate executions to orders entered into the DOT system when the NYSE quotation spread in the subject stock was no more than ⅛ point and the NYSE quote equalled the best ITS quotation. In all other cases, however, DOT market orders would be assigned a reference price based on the NYSE's most recent last sale price in the subject stock preceding the order, and, if not executed within the specified time after receipt, the DOT order would be automatically executed at this reference price. Marketable limit orders would be assigned the prevailing NYSE quote at time of receipt as a reference price, and would be similarly executed at the reference price if not executed by a specialist within the specified time period. The NYSE proposes to reduce the time parameter for system-generated reports for DOT market orders whenever the specialist fails to report an execution or a "stop" from the existing five minute period to two minutes, to be implemented over a period of time as the Exchange deems appropriate.

The NYSE's proposed Immediate Reporting Service would be the first fully automated execution system for round-lots introduced on the NYSE.[6] Other exchanges, including the Pacific, Midwest, and Philadelphia Stock Exchanges have offered automated executions for small orders in listed stocks for a number of years. These systems execute orders automatically on a derivative basis at the best ITS quote [7]; that is, even if the exchange's

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[1] Currently, the order eligibility size in LMT is 599 shares for day limit orders, and 5,099 shares for GTC ("good 'til cancelled") limit orders. The NYSE proposes to further raise the eligibility standard to 30,099 shares for all LMT orders, as further system enhancements are made.

[2] The NYSE defines a "marketable limit order" as a limit order that is immediately executable because the price of the subject security at the time the order is entered is equal to or better than the limit price on the order.

[3] Under NYSE Rule 123A.47(b) an erroneous execution report sent by a specialist through DOT shall be binding unless the report is more than ½ point away from the execution price, in which case the exectuion price shall be binding.

[4] The NYSE originally proposed that the holding period before DOT orders are automatically executed would be reduced to 30 seconds on a phased-in basis as the Exchange deemed appropriate. In response to a request from the Commission staff, the Exchange has agreed that the time parameter for system-generated reports for DOT market orders and marketable limit orders, whenever the specialist fails to report an execution or a "stop", shall be at least two minutes. Implementation of a time parameter of less than two minutes would require submission to the Commission of another proposed rule change. *See* discussion, *infra*, and letter from James E. Buck, Secretary, NYSE, to Michael Cavalier, Division of Market Regulation, dated July 17, 1984.

[5] The ITS is an intermarket communications facility operated jointly by certain national securities exchanges and the National Association of Securities Dealers, Inc. ("NASD").

[6] The NYSE previously has implemented its Registered Representative Rapid Response Service ("R4"), currently approved on a temporary basis until November 10, 1984. *See* Securities Exchange Act Release No. 20350 (November 4, 1983). R4 allows participating broker-dealers to execute small customer orders in certain NYSE stocks at the best ITS quotation and then send reports of those executions for acceptance by the specialist. Although R4 provides immediate executions, it does so through allowing reports of off-floor executions to be forwarded to the Exchange rather than through an on-floor execution system such as the Immediate Reporting Service.

[7] The PSE, however, currently does not include certain NASD quotes in its automated execution system.

own quotation does not equal the best ITS quote, customers are assured an execution in these automated systems at this price. The NYSE's Immediate Reporting Service similarly would assure an execution at the best ITS quote in stocks included in the service, but only if the NYSE's quote equals that quote.[8]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 21084, June 22, 1984) and by publication in the **Federal Register** (49 FR 26852, June 29, 1984). No comments were received with respect to the proposed rule filing.

In publishing the NYSE's proposal, the Commission specifically requested comment on the proposed Immediate Reporting Service and the reduction of the time parameters for system-generated executions. The Commission believes that both of these proposals, as amended by the NYSE,[9] are consistent with the Act. The NYSE's proposed Immediate Reporting Service is designed to operate only in conditions where market or marketable limit orders are unlikely to receive a better price through delivery to the specialist for manual handling. The Immediate Reporting Service will operate only where the spread in the best ITS quote is no more than ⅛ point and therefore where order interaction between the spread is unavailable. Thus, the system appears well designed to provide good customer order executions.

With respect to the period before the system generates an execution in other than ⅛ point markets, the Commission noted that the NYSE prices such executions off the NYSE last sale, even if such last sale did not represent the best price available through the ITS. The Commission specifically requested comment on this aspect of the filing in light of the NYSE's proposal to gradually reduce the default period to 30 seconds. In response to concerns raised by the Commission staff in response to this aspect of the proposal, the NYSE has agreed to retain for the present a two minute minimum default period before DOT orders are executed automatically at the reference price. Accordingly, execution of DOT market orders at the NYSE last sale price and marketable limit orders at the NYSE quote will only occur after the specialist has had a reasonable opportunity to execute these orders manually through customary procedures.[10] As a result, these orders will still be provided an opportunity for representation by the specialist. Furthermore, because a stop by a specialist of a DOT order prevents automatic execution of the order under this DOT execution mode, this mode should not interfere with the specialist's ability to route a DOT order through ITS to another market to obtain a better price. The Commission therefore believes that these systems provide adequate customer protection and ensure that customers obtain acceptable execution prices.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21036 Filed 8-7-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23382; 70-7005]

Southern Electric Generating Co.; Proposed Issuance and Sale of Long-Term Notes

August 2, 1984.

Southern Electric Generating Company ("SEGCO"), 600 North 18th Street Birmingham, Alabama 35203, an electric generating subsidiary of Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), each of which owns 50% of SEGCO's outstanding common stock and is, in turn, a wholly owned subsidiary of The Southern Company, a registered holding company, has proposed a transaction with this Commission subject to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act").

SEGCO owns Units 1 through 4 of the Ernest C. Gaston Steam Plant ("Plant Gaston") near Wilsonville, Alabama, supplying electric power under a long-term contract (the "Power Contract") to Alabama and Georgia. Between now and 1990, the year in which all of SEGCO's first mortgage bonds will have been retired and the lien of its indenture will be defeased, SEGCO must make capital improvements to Plant Gaston. The cost of these improvement, together with other obligations of SEGCO, will exceed intends to fund these further costs between now and 1990 with interim borrowings.

SEGCO proposes to issue and sell its notes to banks or other lenders from time to time on or prior to December 31, 1986. The maximum aggregate principal amount of borrowings at any one time outstanding shall not exceed $30,000,000. The borrowings will be evidenced by notes to be dated as of the date of such borrowings and to mature in not more than 10 years after the date of issue. It is stated that each note evidencing borrowings will bear interest at an effective rate per annum in effect at the lenders which is customary for companies similar to SEGCO.

SEGCO has obtained a commitment with SouthTrust Bank of Alabama, National Association, Birmingham, Alabama, providing for revolving credit of $15,000,000 through March 31, 1986. Borrowings under the agreement bear interest at one of the following rates, as selected by SEGCO at the time of each borrowing: (1) The lender's floating prime rate, (2) the lender's certificate of deposit rate (adjusted for Federal Reserve Board Reserve requirements imposed upon the lender) plus one percent (1%) per annum, or (3) the London Interbank Offered Rate (LIBOR) plus one-half percent (½%) per annum. The agreement also provides for the payment of a fee equal to one-half percent (½%) per annum times an amount equal to five percent (5%) of borrowings outstanding. Such fee may be offset, at the option of SEGCO, by the maintenance of balances with the lender. Assuming a prevailing thirteen percent (13%) per annum prime rate and no maintenance of balances, the effective cost under the "prime rate" option would be 13.025%. Assuming a prevailing eleven and one-quarter percent (11.25%) per annum certificate of deposit rate, three percent (3%) reserve requirement, and no maintenance of balances, the effective cost under the "CD Rate" option would be 12.623%. Assuming a prevailing twelve and one-quarter percent (12¼%) LIBOR and no maintenance of balances, the effective cost under the "LIBOR" option would be 12.775%.

With respect to the remainder of the borrowing authority sought, no commitments have been made to SEGCO.

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[8] Thus, the NYSE's proposed Immediate Reporting Service would not be a derivative system like the other exchange automated systems, because the NYSE quote must match the best ITS quote before orders are automatically executed in this system.

[9] *See* note 4, *supra.*

[10] The NYSE has indicated that specialists are expected to execute at least 85% of DOT orders in under 2 minutes after receipt.

The proceeds from the notes will be used by SEGCO to pay for capital improvements at Plant Gaston and to pay at maturity from time to time outstanding notes incurred for such purpose and for other corporate purposes.

The proposal and any amendments thereto are available for public insepction through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 29, 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 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 proposal, as filed or as it may be amended, may be authorized.

For the Commision, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21034 Filed 8-7-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0194]

Intercoastal Capital Corp.; License Surrender

Notice is hereby given that, pursuant to § 107.105 of the Small Business Administration's (SBA) Rules and Regulations governing Small Business Investment Companies (13 CFR 107.105 (1984)). Intercoastal Capital Corporation, 380 Madison Avenue, New York, New York 10017, incorporated under the laws of the State of New York, has surrendered its License No. 02/02-0194, issued by the SBA on July 13, 1962.

Intercoastal Capital Corporation has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above-cited Regulation, the license of Intercoastal Capital Corporation is hereby accepted and it is no longer licensed to operate as a Small Business Investment Company.

(Catalog of Federal Domestic Assistance Program No. 59-011, Small Business Investment Companies)

Dated: July 26, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-21032 Filed 8-7-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP83-17; Notice 2]

Blue Bird Body Company; Grant of Petition for Determination of Inconsequentiality

This notice grants the petition by Blue Bird Body Company of Fort Valley, Georgia, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.217, Motor Vehicle Safety Standard No. 217, *Bus Window Retention and Release*, on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on November 15, 1983, and an opportunity afforded for comment (48 FR 52002).

Paragraph S5.4.2.1(a) of Standard No. 217 is intended to insure that adequate space exists at the rear emergency door, facilitating the exit of school bus passengers. It accomplishes this by requiring that there be "an opening large enough to permit unobstructed passage of a rectangular parallelepiped 45 inches high, 24 inches wide, and 12 inches deep * * *." Blue Bird reported that a noncompliance exists with this requirement by a protrusion of the top, rear inboard corner of the left rear passenger seat into the spatial clearance required for the passage for the parallelepiped, specifically, a ¼ inch to ½ inch interference in the 12 inch dimension. Expressed another way, the portion of the seat back protruding is approximately 1 cubic inch of foam and upholstery while the overall volume of the parallelepiped is 12960 cubic inches.

The noncompliance occurred because the left rear seat was installed approximately ½ inch too far rearward, in order to clear a floor joint (since the discovery of the noncompliance, the seat has been mounted ¼ inch ahead of the joint). Although each of the noncompliant buses had been tested with a parallelepiped, the inspection personnel had erroneously assumed that a slight compession of the seat back foam by the test fixture was acceptable. There are 263 schools buses involved, manufactured from May 1979 to July 1983. The model concerned is the 66-passenger Conventional.

Blue Blird argued that the noncompliance is inconsequential because the intrusion of the seat back is so slight, and because the seat can be easily compressed.

No comments were received on the petition.

The agency concurs with the assessment of Blue Bird that a protrusion of 1 cubic inch of easily compressible foam and upholstery into the opening is an intrusion with a minimal impact on safety. Accordingly, it is hereby found that petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 2, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-20978 Filed 8-7-84; 8:45 am]

BILLING CODE 4910-59-M

Materials Transportation Bureau

Applications for Exemptions; Joseph Land Intermodal, Inc.

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes September 4, 1984.

ADDRESS COMMENTS TO: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation

Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of Exemption thereof
9288-N	Joseph Land Intermodal, Inc., Orlando, FL	49 CFR 173.21(c), 173.24(a)(1), 173.9(a), 174.3, 176.3, 177.817.	To authorize the controlled release of ethylene contained in DOT Specification 3A or 3AA cylinders, in the cargo carrying body of the transport vehicle, for the purpose of ripening fruits and vegetables. (Modes 1, 2, 3.)
9289-N	Stauffer Chemical Co., Westport, CT	49 CFR 172.201, 172.202, 172.203(a), (e), 172.204, 172.326, 173.118a, 177.817.	To authorize shipment of a compound, weed killing liquid, classified as a combustible liquid to farm distribution points when packaged in portable tanks exceeding 100 gallons, without shipping papers. (Mode 1.)
9290-N	Mauser Packaging Limited; New York, NY	49 CFR 173	To manufacture, mark and sell 15 gallon steel overpacks similar to DOT 3M except for a slight reduction in wall thickness with polyethylene liner meeting DOT 2SL except for marking for shipment of those commodities authorized in DOT 37M/2SL. (Modes 1, 2, 3.)
9291-N	Procor Limited, Oakville, Ontario, Canada	49 CFR 179.102-2(a)(3)	To authorize shipment of chlorine, classed as nonflammable gas in CTC 105A500W tank cars insulated with fiberglass and ceramic fiber. (Mode 1.)
9292-N	Aluminum Company of America, Cleveland, OH.	49 CFR 173.153(a)(1)	To authorize shipment of limited quantities of magnesium metal (ribbon), flammable solid in fiberboard boxes with maximum net weight of 36 pounds for outside containers. (Mode 1.)
9293-N	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.302(c)(2), (3), 173.302(c)(4), 173.34(e)(1), (3), 173.34(e)(4), (6).	To authorize DOT Specification 3AX, 3AAX and 3T cylinders to be periodically retested and qualified by acoustic emission testing equipment and evaluation procedures. (Mode 1.)
9294-N	Marchem Limited, Widnes, Cheshire, England	49 CFR 173.247	To authorize shipment of benzoyl chloride, classed as a corrosive material, in DOT Specification 6D/2SL composite packaging. (Modes 1, 2.)
9295-N	Applied Environments Corporation, Woodland Hills, CA.	49 CFR 173.302(a)	To manufacture, mark and sell non-DOT specification steel toroidal pressure vessels comparable to DOT Specification 39, for shipment of various non-flammable gases. (Modes 1, 2, 4.)
9296-N	Honeywell Incorporated, Minneapolis, MN	49 CFR 173.206(a)(7)	To authorize shipment of sodium potassium alloy classed as a flammable solid, requiring a dangerous when wet label to be shipped without placards when contained in specially designed composite type packaging. (Mode 1.)
9297-N	Colonial Oil Industries, Inc., Savannah, GA	49 CFR 172.201(a)(3)	To authorize bulk shipment of certain flammable and combustible liquids (petroleum products) using code numbers on the bill of lading to describe the products. (Mode 1.)
9298-N	Eli Lilly Company, Indianapolis, IN	49 CFR 173.252	To authorize shipment of liquid bromine, classified as a corrosive material in non-DOT specification teflon lined carbon steel tanks. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on August 2, 1984.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-20973 Filed 8-7-84; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications to Become a Party to an Exemption; Department of Defense

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B, notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc. they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes August 21, 1984.

ADDRESS COMMENTS TO: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
868-X	U.S. Department of Defense, Washington, DC.	868
3187-X	PPG Industries, Incorporated, Pittsburgh, PA.	3187
4607-X	Armstrong Laboratories, Inc. West Roxbury, MA.	4607
4734-X	General Electric Co., Waterford, NY.	4734
5403-X	Halliburton Industrial Services, Inc., Duncan, OK.	5403
5403-X	Halliburton Services, Inc., Duncan, OK.	5403

Application No.	Applicant	Renewal of exemption
5493-X	Montana Sulphur & Chemical Company, Billings, MT.	5493
5704-X	U.S. Department of Defense, Washington, DC.	5704
6263-X	Amtrol, Incorporated, West Warwick, RI.	6263
6369-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	6369
6484-X	ANGUS Chemical Company, Northbrook, IL (See Footnote 1).	6484
6543-X	Airco Industrial Gases, Murray Hill NJ.	6543
6651-X	Mitchell-Bradford Chemical, Co., Inc., Milford, CT.	6651
6668-X	Union Carbide Corporation, Danbury, CT.	6668
6694-X	Fauvet-Girel, Paris, France	6694
6694-X	Compagnie des Containers Reservoris, Paris, France.	6694
6695-X	Fauvet-Girel, Paris, France	6695
6762-X	Taylor Chemicals, Inc., Sparks, MD (See Footnote 2).	6762
6932-X	Fauvet-Girel, Paris, France	6932
6932-X	Compagnie des Containers Reservoris, Paris, France.	6932
6963-X	I.S.C. Chemicals Limited, Bristol, England.	6963
7041-X	Ethyl Corporation, Baton Rouge, LA.	7041
7052-X	Panasonic Industrial Company, Secaucus, NJ (See Footnote 3).	7052
7052-X	Bren-Tronics, Inc., Commacy, NY.	7052
7052-X	Allen-Bradley Co., Milwaukee, WI.	7052
7052-X	Matsushita Battery Industrial Company, Osaka, Japan.	7052
7085-X	California Seal Control Corporation, San Pedro, CA.	7085
7097-X	Plant Products Corporation, Vero Beach, CA.	7097
7259-X	FMC Corporation, Philadelphia, PA.	7259
7259-X	Stauffer Chemical Company, Westport, CT.	7259
7285-X	Fauvet-Girel, Paris, France, CT.	7285
7285-X	Compagnie des Containers Reservoirs (CCR) Paris, France, CT.	7285
7648-X	Sunwest Aviation, Roy, UT (See Footnote 4).	7648
7823-X	Allied Corporation, Morristown, NJ.	7823
7827-X	KemaNord A.B., Stockholm, Sweden.	7827
7835-X	Air Products and Chemicals, Inc., Allentown, PA (See Footnote 5).	7835
7835-X	Ideal Gas Products, Inc., Edison, NJ.	7835
7959-X	Woods Hole, Marthas Vineyard & Nantucket Steamship, Woods Hole, MA.	7959
7991-X	Union Pacific Railroad Company, Omaha, NE.	7991
8035-X	NL McCullough/NL Industries, Inc., Houston, TX.	8035
8051-X	Mauser Packaging, Ltd., New York, NY.	8051
8060-X	SLEMI, Paris, France	8060
8060-X	Fauvet-Girel, Paris, France	8060
8091-X	AT&T Technologies Inc., Greensboro, NC.	8091
8125-X	Fauvet-Girel, Paris, France	8125
8141-X	GTE Products Corporation, Waltham, MA.	8141
8353-X	Morton Thiokol, Inc., Huntsville, AL.	8353
8397-X	Mauser Packaging, Ltd., New York, NY (See Footnote 6).	8397
8431-X	Dow Chemical Co., Midland, MI.	8431
8445-X	University of Minnesota, Minneapolis, MN.	8445
8445-X	Rohm and Haas Co., Philadelphia, PA.	8445
8450-X	Vought Corporation, Dallas, TX.	8450
8451-X	Ethyl Corporation, Baton Rouge, LA.	8451
8451-X	Unidynamics/Phoenix, Inc., Phoenix, AZ.	8451
8467-X	Societe Auxiliarie de Transports et d'Industries, Paris, France.	8467
8467-X	ANF/Industrie, Paris, France.	8467
8473-X	Degussa AG, Frankfurt, Germany.	8473
8489-X	Degussa Corporation, Teterboro, NJ.	8489
8489-X	FMC Corporation, Philadelphia, PA.	8489
8490-X	Houghton Chemical Corporation, Allston, MA.	8490
8526-X	North Star Transport, Inc., Thief River Falls, MN (See Footnote 7).	8526
8733-X	ICI Americas, Incorporated, Wilmington, DE.	8733
8739-X	Kerr Steamship Company, Inc., Seattle, WA.	8739
8787-X	Motorola Semiconductor Sector, Phoenix, AZ.	8787
8802-X	EVA Eisenbahn-Verkehrsmittel GmbH, Dusseldorf, West Germany.	8802
8817-X	Allied Corporation, Morristown, NJ.	8817
8826-X	Phoenix Air, Marietta, GA	8826
8861-X	Hoover Universal, Inc., Beatrice, NE.	8861
8883-X	Hewlett-Packard Co., Boise, ID.	8883
8893-X	Trojan Corporation, Salt Lake City, UT.	8893
8903-X	Teledyne McCormick Selph, Hollister, CA.	8903
8908-X	Diamond Shamrock Corporation, Irving, TX.	8908
8911-X	Olin Corp., East Alton, IL	8911
8919-X	Upjohn Company, Kalamazoo, MI.	8919
8932-X	Catalyst Resources, Inc., Elyria, OH.	8932
9222-X	Willms Trucking Company, Inc., Charleston Heights, SC.	9222

[1] To authorize various nitromethane mixtures classed as flammable liquids, as additional commodities.
[2] Request modification to packaging dimension of overpack for chemical kits.
[3] To renew and to authorize poly-carbonmonofluoride as an additional commodity.
[4] To renew and to increase number of cases containing flares from five to six per trip.
[5] To authorize use of a steel pallet configuration for securing cylinders, during transportation.
[6] To authorize an additional 40 gallon capacity drum for shipment of certain oxidizers or corrosive solids.
[7] To authorize an additional temperature control device containing a flammable liquid or gas.

Application No.	Applicant	Parties to exemption
2587-P	Albany-Edison Oxygen Company, Albany, NY.	2587
5951-P	Hill Brothers Chemical Co., Tucson, AZ.	5951
6126-P	Laporte (United States) Inc., Saddle Brook, NJ.	6126
6614-P	Willy's Pool Service, Torrance, CA.	6614
7052-P	Pointer, Inc., Tempe, AZ	7052
8006-P	Strombecker Corporation, Chicago, IL.	8006
8006-P	Esquire Novelty Corp., Amsterdam, NY.	8006
8141-P	Altus Corporation, San Jose, CA.	8141
8248-P	C.M. China Trade, Inc., New York, NY.	8248
8248-P	China Metallurgical Import & Export Corporation, Shanghai, China.	8248
8248-P	Cerametals, Inc., New York, NY.	8248
8431-P	American Hoechst Corporation, Somerville, NJ.	8431
8445-P	Triangle Resource Industries, Columbia, SC.	8445
9157-P	Air Products and Chemicals, Inc., Allentown, PA.	9157

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on August 2, 1984.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-20974 Filed 8-7-84; 8:45 am]

BILLING CODE 4910-60-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 154
Wednesday, August 8, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION

August 1, 1984.

FCC to hold open Commission Meetings, Wednesday, August 8, 1984.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, August 8, 1984, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—Title: Allowing the Public Direct Remote Access to Commission Computer Data Bases. Summary: This Report and Order discusses a petition filed by the Association of Federal Communications Consulting Engineers requesting direct access to the Commission's electronically filed data bases and a subsequent Notice of Inquiry, GEN Docket No. 83-483, initiated seeking additional information from the public. It presents five alternative solutions to the petition and asks that the Commission adopt the one option recommended by the Staff.

General—2—Title: *Report and Order* In the Matter of Elimination of Unnecessary Broadcast Regulation, MM Docket 83-842. Summary: The Commission will consider whether to eliminate three regulatory policies dealing with the broadcast of horse race programming and advertising.

General—3—Title: Establishment of a spectrum utilization policy for the fixed and mobile services' use of certain bands between 947 MHz and 40 MHz; and Digital Termination Systems at 10.6 GHz and 18 GHz. Summary: The Commission will reconsider action taken in the First Report and Order in Docket 82-334 and the Second Report and Order in Docket 79-188 with respect to the 18 GHz channeling plan and technical standards and reaccommodation provisions for displaced private 12 GHz private microwave licensees.

Private Radio—1—Title: *Report and Order* in the Matter of Amendment of Part 94 of the Commission's Rules to eliminate the developmental classification of the 13.2–13.25 GHz band. Summary: The FCC will consider the issues raised by the *Notice of Proposed Rule Making* in PR Docket 84-27, released January 1984, to allow private licensees to operate in the 13.2–13.25 GHz band on a regular basis.

Private Radio—2—Title: Memorandum Opinion and Order in the matter of the lottery proceeding for selection among competing 800 MHz SMR applications in the New York City, Philadelphia, Washington, D.C. and Baltimore areas. Summary: The Commission will determine the comparative points to be assigned each of the competing 800 MHz SMR applications in the above areas and whether to grant these applications by a random selection lottery proceeding.

Common Carrier—1—Title: Changes in the Corporate Structure and Operations of the Communications Satellite Corporation. Summary: In this Second Notice of Proposed Rulemaking in CC Docket No. 80-634 the Commission seeks public comment on modifications to and simplification of Comsat's Form M and Form 901 reporting requirements.

Common Carrier—2—Title: Amendment of Section 43.61 of the Commission's Rules to eliminate semi-annual reports and to provide for the submission of revised and corrected data in the annual reports of overseas telecommunications traffic data. (C.C. Docket No. 79-262) Summary: The Commission will consider whether to adopt a Further Notice of Proposed Rulemaking which seeks both to update and simplify the traffic reporting requirement for international carriers contained in Section 43.61 of the Commission's Rules and Regulations and to establish filing deadlines for comments and replies.

Common Carrier—3—Title: Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor: Fifth Report and Order. Summary: Order regarding petitions for reconsideration of the Fourth Report and Order, forbearance for nondominant carriers, and regulation of Digital Electronic Message Service Carriers.

Common Carrier—4—Title: Authorized Rates of Return for the Interstate Services of American Telephone and Telegraph Co. and Exchange Telephone Carriers. Summary: Notice of Proposed Rulemaking regarding methodology and procedures for prescribing authorized rates of return.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Judith Kurtich, FCC Public Affairs Office, telephone number, (202) 254-7674.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 84-21163 Filed 8-6-84; 3:33 pm]
BILLING CODE 6712-01-M

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, August 13, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 3, 1984.

William W. Wiles,
Secretary of the Board.

[FR Doc. 84-21062 Filed 8-3-84; 4:40 pm]
BILLING CODE 6210-01-M

3

INTERNATIONAL TRADE COMMISSION

[USITC SE-84-38]

TIME AND DATE: 10:00 a.m., Wednesday, August 22, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
   a. Telephone base housing and related packaging and printed material (Docket No. 1085).
5. Investigations 701-TA-220 and 731-TA-197 and -198 [Preliminary] (Certain Welded

Carbon Steel Pipes and Tubes from Brazil and Spain)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, *Secretary*, (202) 523–0161.

[FR Doc. 84–20156 Filed 8–3–84; 4:49 pm]
BILLING CODE 7020–02–M

4

INTERNATIONAL TRADE COMMISSION

[USITC SE–84–37]

TIME AND DATE: 10:00 a.m., Wednesday, August 15, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Petitions and complaints:
   a. Gremlin characters (Docket No. 1084).
2. Investigation 731–TA–153 [Final] (Hot-Rolled Carbon Steel Sheet from Brazil)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, *Secretary*, (202) 523–0161.

[FR Doc. 84–20157 Filed 8–3–84; 4:49 pm]
BILLING CODE 7020–02–M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE–84–36]

TIME AND DATE: 11:00 a.m., Monday, August 13, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731–TA–196 [Preliminary] (Certain Red Raspberries from Canada)—briefing and vote.
6. Investigation 731–TA–152 [Final] (Pads for Woodwind Instrument Keys from Italy)—briefing and vote.
7. Investigation 337–TA–161 (Certain Trolley Wheel Asemblies)—briefing and vote.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, *Secretary*, (202) 523–0161.

[FR Doc. 84–20158 Filed 8–3–84; 4:49 pm]
BILLING CODE 7020–02–M

6

NUCLEAR REGULATORY COMMISSION

DATE: Week of August 6, 1984 (Revised), Week of August 13, 1984 (Revised), Week of August 20, 1984 (Revised) and Week of August 27, 1984.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Week of August 6

No Commission meetings scheduled.
Affirmation meeting (Public Meeting)—Thursday, August 9, 3:30 p.m., if needed (As Announced)

Week of August 13

Wednesday, August 15

10:00 a.m.
Oral Presentations by Parties on TMI–1 Restart (Public Meeting) (New Item)

Thursday, August 16

10:00 a.m.
Discussion/Possible Vote on Final Rulemaking on Financial Qualifications (Public Meeting) (As Announced) (Tentative)
2:00 p.m.
Continuation of 7/23 Discussion of Indian Point Adjudicatory Proceeding (Public Meeting) (*Postponed* from August 3)
3:30 p.m.
Affirmation meeting (Public Meeting) (if needed) (As Announced)

Week of August 20

No Commission meetings scheduled.
Affirmation meeting (Public Meeting)—Wednesday, August 22, 2:00 p.m., if needed

Week of August 27

No Commission meetings scheduled.

ADDITIONAL INFORMATION:

Affirmation of "Review of ALAB–729—In the Matter of Metropolitan Edison Company," was held on July 26 (Public Meeting).

Briefing by Executive Branch (Closed—Ex. 1) scheduled for August 2 *moved* to July 31.

Discussion of Investigation (Closed—Ex. 5 and 7) was held on August 1.

Affirmation of "Final Rule—Equipment Qualification" and Shoreham—LILCO's Motion for Reconsideration" scheduled for August 2, *postponed.*

Discussion/Possible Vote on Order on Earthquakes and Emergency Planning for Diablo Canyon (Closed—Ex. 10/Portion Open) was held on August 3.

TO VERIFY THE STATUS OF MEETINGS CALL: (Recording)—(202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado, (202) 634–1410.

John C. Hoyle,

Office of the Secretary.

[FR Doc. 84–21173 Filed 8–6–84; 3:58 pm]
BILLING CODE 7590–01–M

7

POSTAL RATE COMMISSION

TIME AND DATE: 10:00 a.m., August 16, 1984.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, D.C. 20268.

STATUS: Open.

MATTERS TO BE CONSIDERED: Election of Vice Chairman and PRC Budget.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone (202) 254–3880.

Charles L. Clapp,

Secretary.

[FR Doc. 84–21101 Filed 8–6–84; 11:31 am]
BILLING CODE 7715–01–M

federal register

Wednesday
August 8, 1984

Part II

Department of Transportation

Office of the Secretary

Privacy Act of 1974; Revisions to Periodic Publication of Systems of Records; Correction

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974; Revisions to Periodic Publication of Systems of Records; Correction

This preamble is to announce deletions and additions to the periodic publication in the **Federal Register** of the Systems of Records of the Department of Transportation. The previous publication on April 18, 1984, (Vol. 49, No. 76, Part II, pages 15342–15479 inclusive) should be edited to delete the following Systems of Records:

DOT/CG 574; DOT/FAA 802, 803, 804, 805, 809, 812, 817, 818, 819, 823, 829, 835, 838, 840, 841, 842; DOT/FHWA 208, 221; DOT/FRA 103, 109, 116; DOT/NHTSA 406, 410, 412, 468; DOT/OST 022, 039, 040, 048, 049, 050, 054, 055.

Two systems are to be republished because portions were left out of the publication. They are DOT/NHTSA 413 and DOT/OST 101.

All active systems for DOT/NHTSA 413 through DOT/NHTSA 467 are published here, and all active systems DOT/RSPA 01 through 08, DOT/SLS 151 through 155 and DOT/TSC 700 through 715 are also published.

The Table of Contents on pages 15342 to 15344 of Vol. 49 No. 76 is correct for this and the April 18, 1984 publication combined, except that DOT/NHTSA 471, "National Driver Register Advisory Committee Membership Files" should be added after DOT/NHTSA 467, and DOT/OST 58 and 90 should be deleted.

On page 15345 add to the list of abbreviations: MARAD—Maritime Administration. After the above editing is completed, all of the Systems of Records contained in this and the edited April 18, 1984 publication are effective. No comments were received on the Mobility Assignment Candidate File, DOT/OST 064.

Issued in Washington, D.C., on July 11, 1984.

Jon H. Seymour,

Deputy Assistant Secretary for Administration.

BILLING CODE 4910-62-M

DOT/NHTSA 413.

SYSTEM NAME:

System Name: Odometer Rollback. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT):
National Highway Traffic Safety Administration (NHTSA):
Director, Odometer Fraud Staff
Associate Administrator for Enforcement,
400 7th Street, SW, Room 4109,
Washington, DC 20590.
Automated Sciences Group, Inc.,
Summit Office Building, Suite 713,
8555 16th Street, Silver Spring, MD 20910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Private individuals who may be involved in odometer rollbacks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Alleged circumstances surrounding odometer rollbacks on used cars sold or offered for sale. Information is used to assist in investigations of alleged violators.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Data is made available to legal authorities for appropriate action.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: By individual name.

SAFEGUARDS:

Safeguards: Locked file.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Odometer Fraud Staff
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Director, Odometer Fraud Staff
400 7th Street, SW, Room 4109,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual complaint by used car purchaser, automobile dealers, state agencies.

DOT/NHTSA 415.

SYSTEM NAME:

System Name: Office of Defects Investigation/Defects Information System (ODI/DIS)

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Defects Investigation,
400 7th Street, SW, Room 5326
Washington, DC 20590.
Opportunity Systems, Inc.
1406 L Street, N.W.
Washington, DC 20005
National Institutes of Health
Computer Center
Computer Research and Technology
Building 12, Room 1100
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Vehicle owners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Vehicle identification, vehicle problem, vehicle owner.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Check complaints about vehicle defects to spot trends, resulting in investigations of the vehicle model.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Disc pack and paper file.

RETRIEVABILITY:

Retrievability: Identification number for each vehicle owner.

SAFEGUARDS:

Safeguards: Coded entry numbers.

RETENTION AND DISPOSAL:

Retention and Disposal: Eight years or indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Defects Information Processing Group
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Defects Investigation,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Write or visit the applicable address in 'System Location' above.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: General public, State highway offices, insurance companies, vehicle manufacturers.

DOT/NHTSA 417.

SYSTEM NAME:

System Name: National Driver Register (NDR). DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of State Program Assistance
National Driver Register Division
400 7th Street, SW, Room 5117
Washington, DC 20590.
Master file is located at:
Transportation Computer Center,
400 7th Street, SW, Plaza Level, S.E., Corner
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Persons who have had their driver's license denied, withdrawn, revoked or suspended as reported by State/Territorial driver licensing authorities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: NDR records include: the reporting jurisdiction, the subject's full name, other names used, date of birth, driver license number and/or social security number (if used by the reporting jurisdiction), sex, height, weight, eye color, the reason for withdrawal, the date of the withdrawal, and the date eligible for restoration of driving privilege or the date license was actually restored.

It should be noted that very frequently the physical data is not provided by the reporting agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Provide identification of drivers who have had their licenses withdrawn, suspended, revoked or otherwise denied in response to inquiries from State or Federal driver licensing agencies relative to driver license applicants.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES

Disclosures pursuant to 5 USC 552a(b)(12) Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The NDR master file is maintained on magnetic tape.
Source data; i.e., manual input (forms, letters) are retained in that form.
Source data received on magnetic tape are converted into printed listings.
All source data is batch filed.

RETRIEVABILITY:

Retrievability: The magnetic tape master file is indexed by surname and refined by program application of screening criteria involving given names, date of birth and physical characteristics.
Source data batch files are indexed by the processing date as determined from test inquiry of the master file. A manual search of the appropriate batch is then required to access the specific record.

SAFEGUARDS:

Safeguards: The master file is kept in the Transportation Computer Center, a limited access area.
The source data files are maintained in a building under surveillance of a 24 hour guard force.
In addition, the spaces in which the files are maintained are equipped with lockable doors which are locked when vacated.
All personnel have met the investigative requirements for secret classified matter.
In addition, all NDR employees are orally briefed on NDR security requirements and their responsibilities.

RETENTION AND DISPOSAL:

Retention and Disposal: Records of actions that have been cancelled or rescinded are purged from the file upon receipt of notification from the reporting jursidiction. Other records are retained for seven or five years depending on the reason for withdrawal of the individual's license.
Withdrawals for drunk driving, hit and run, fatal accident, felony and misrepresentation are retained for seven years.
Records of 'habitual offenders' as stipulated by certain states are retained indefinitely, unless otherwise requested by the reporting state.
All other master file records are retained for five years.
Source data files are retained for one year.
Magnetic tape records are erased by degaussing, using 86db degaussing equipment, prior to disposing of the tapes.
Paper source data reports of withdrawal are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, National Driver Register,
National Highway Traffic Safety Administration, NTS-33
Department of Transportation, Room 5117
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Mailed inquiries should be addressed as above under 'System Manager.'
For inquiries made in person, the inquirer should present himself at the National Driver Register office at the following location:
400 7th Street, SW, Room 5117
Washington, DC 20590.
In order to conduct a file search the requesting party must provide:
Full legal name,
Other names used (nickname, professional name, maiden name),
Date of birth,
Sex,
Height,
Weight,
Color of eyes,
Social security number and/or driver license number (provision of the social security number is voluntary).
In addition, although not mandatory, it would help to more positively identify

any records we may have concerning the inquirer if the following information is included:
The reason his/her driver license was withdrawn or denied.
The date of the action.
The State which took the action.
An inquirer presenting himself/herself in person should have at least two means of identification sufficient to reasonably insure that he/she is who he/she purports to be.
For mailed inquiries the foregoing identification elements should be included in the form of a notarized affidavit and addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedures: An individual desiring to obtain information on procedures to obtain his or her record (s) should contact the Chief, National Driver Register, at the address under 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: To obtain information on procedures to contest records one should contact the Chief, National Driver Register, at the address in 'System Manager' above.
With regard to contesting records it must be realized that the file is made up of State records. As such, these can only be changed or corrected by the reporting State. The records in the Driver Register file are changed only when advised by the originating jurisdiction.

RECORD SOURCE CATEGORIES:

Record Source Categories: The records comprising the National Driver Register file are provided by States. District of Columbia, Puerto Rico, Canal Zone, Virgin Islands and Guam driver licensing administrators or the agency within the jurisdictions responsible for such records.

DOT/NHTSA 422.

SYSTEM NAME:

System Name: Temporary Exemption Petitions. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Chief Counsel,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Petitioners (commercial entities) seeking exemption from Federal motor vehicle safety standards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Income statement and balance sheets, production information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For consultation by attorneys while file is active; copies in public docket.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Office files.

RETRIEVABILITY:

Retrievability: Temporary exemptions; filed by corporation's names.

SAFEGUARDS:

Safeguards: Available only to the System Manager and his secretary.

RETENTION AND DISPOSAL:

Retention and Disposal: Thus far all records have been retained.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Senior Staff Attorney,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Submitted by petitioners.

DOT/NHTSA 423.

SYSTEM NAME:

System Name: Vendor Edit Table Listing (Employees). DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Financial Management,
400 7th Street, SW, Room 6134,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: NHTSA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Employee name.
Employee number.
Residence - City, County, State, Zip Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses Employee travel orders are controlled by employee number to maintain a record of authorized travel and the related expenses for each trip. This file is assessed to match the employee number coded from the travel order and the voucher and for retrieval of this data for the travel report by organization and by individual.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic Disc.

RETRIEVABILITY:

Retrievability: Table is indexed by employee number (vendor number).

SAFEGUARDS:

Safeguards: System operators are identified as individuals given authority for processing data in terminal room.
No others are allowed access to data.
Job controls (JCL's) for retrieval of data are kept in locked cabinet under custody of System Manager.

RETENTION AND DISPOSAL:

Retention and Disposal: Table maintenance is the responsibility of the System Manager who adds new employee data as it is received from Personnel Director. Deletions are also controlled by the System Manager, as

employees retire or otherwise leave the agency.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Policies and Procedures Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Financial Management,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Address inquiries to the Privacy Act Coordinator at the address under 'System Manager'. Requests for data may be made by any employee of NHTSA. Requests must be in writing and identify:
System Name: DOT/NHTSA FMS-940.
Employee number.
Employee name.

RECORD ACCESS PROCEDURES:

Record Access Procedure: All inquiries as to procedures for gaining access to records shall be directed to:
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Financial Management,
400 7th Street, SW, Room 6134,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Source of data is from the Office of Personnel Management, NHTSA.

DOT/NHTSA 424.

SYSTEM NAME:

System Name: Offerors Mailing List. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Offerors that may bid on Requests for Proposal as individuals or to serve as experts and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Category of Records: Offerors name, address, and NHTSA areas of interest that the offeror wishes to bid on and their history of response or non-response to requests for proposals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used to identify suppliers to fulfill NHTSA requirements.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Forms; magnetic tape.

RETRIEVABILITY:

Retrievability: Name, codes of contractual field of interest.

SAFEGUARDS:

Safeguards: The records are maintained in a secure area.

RETENTION AND DISPOSAL:

Retention and Disposal: Indefinitely and destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Write or visit the System Manager at the address in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: From the individual himself or proposal submissions to requests for proposal.

System Number: DOT/NHTSA 427.

SYSTEM NAME:

System Name: Statement of Employment and Financial Interest. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals encumbering positions listed in Appendix C of Part 99 Title 49 CFR.
Special government employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records contain Statements of Financial Interest including but not limited to stocks, bonds and real estate that are held by individuals whose records are in the system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Financial statements are reviewed by the Director, Office of Personnel Management or his delegate to ascertain conflicts or apparent conflicts of interest between the holdings of individuals and the discharge of the individual's official duties.
Assistance of the NHTSA Chief Counsel or his delegate may be secured in the determination process.
Where potential conflict may arise the individual is contacted by the Chief Counsel or his delegate to attempt to resolve the issue.
Should further action be necessary the Administrator NHTSA may attempt to resolve the issue.
If necessary, remedial action may be instituted to resolve the conflict.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12) Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are stored on forms DOT F 3700.1 and DOT F 3700.2.

RETRIEVABILITY:

Retrievability: Records are retrieved by individual's name.

SAFEGUARDS:

Safeguards: Records are stored in safes or locked files. Access is only by authorized individuals on a 'need to know' basis.

Personnel screening is employed to prevent unauthorized access.

RETENTION AND DISPOSAL:

Retention and Disposal: Five years following termination of employment and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Personnel Management,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Adminstration,
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Current employees may contact the:
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.
Former employees who wish to gain access to their records should direct such a request in writing including their names, date of birth and social security number to:
Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Information in this system of records comes from the individual to whom it applies or is derived from information he supplied.

DOT/NHTSA 431.

SYSTEM NAME:

System Name: Civil Penalty Enforcement Files. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Persons (corporate or individual) against whom civil penalties are sought or contemplated for violations of NHTSA - administered statutes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Category of Records: Investigatory records of alleged violations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For consultation by attorneys regarding a civil suit against an individual.
See Prefatory Statement of General Routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Office files.

RETRIEVABILITY:

Retrievability: Files in CIR numerical order.

SAFEGUARDS:

Safeguards: Available only to the System Manager and his secretary.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Senior Staff Attorney,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Chief Counsel,
Chief Counsel,
400 7th Street, SW, Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: NHSTA investigations and tests.

System Number: DOT/NHTSA 432.

SYSTEM NAME:

System Name: EEO Counseling Program and Discrimination Complaint File. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Civil Rights,
400 7th Street, SW, Room 5312,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: NHTSA personnel or those seeking employment with NHTSA (clerical and professional).

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Detailed description of alleged discrimination.
Background and support material.
Transcripts of hearings.
Personnel evaluation forms.
Record of interviews.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used for reference to aid EEO investigations.
See Prefatory Sstatement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are kept on the orgiginal forms.

RETRIEVABILITY:

Retrievability: Subject, individual's name.

SAFEGUARDS:

Safeguards: Personnel screening; kept in locked files.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Civil Rights,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Civil Rights,
400 7th Street, SW, Room 5312,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Civil Rights,
400 7th Street, SW, Room 5312,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Public Affairs and Consumer Services,
400 7th Street, SW, Room 5232,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: From interviews with the complainants, others involved in the alleged discrimination action.

DOT/NHTSA 433.

SYSTEM NAME:

System Name: Injuries, Illnesses, Motor Vehicle Accidents and Property Damages. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Trasnsportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Administrative Operations,
General Services Division, - NAD-51
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Individuals involved in injuries on the job.
Individual Motor Vehicle accident reports.
Individual Property Damage reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Accident Report - DOT F 3902.1.
Injury Report, Supplement - I - DOT F 3902.2.
Motor Vehicle Report, Supplement - M - DOT F 3902.3.
Property Damage Report, Supplement - P - DOT F 3902.4.
Log of Federal Occupational Injuries and Illnesses - DOT F 3902.8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Legal.
Security.
Budget.
Audit.
Personnel Management.
Investigation.
Recordkeeping.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folder.

RETRIEVABILITY:

Retrievability: Alphabetical, by individual's name.

SAFEGUARDS:

Safeguards: File cabinet with lock.

RETENTION AND DISPOSAL:

Retention and Disposal: Destroyed when 5 years old.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, General Services Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Administrative Operations
400 7th Street, SW, NAD-51
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual to whom record pertains.
Investigations.
Reports of witnesses.

DOT/NHTSA 434.

SYSTEM NAME:

System Name: Government Driver Licenses. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Administrative Operations
General Services Division,
400 7th Street, SW, Room NAD-51,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Government drivers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Application for Operator's Identification Card.
Physical Fitness Inquiry for Motor Vehicle Operators.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Records are used to verify that an applicant is qualified both legally and physically to operate a government vehicle.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are stored on the original forms.

RETRIEVABILITY:

Retrievability: Alphabetical, by individual's name.

SAFEGUARDS:

Safeguards: File cabinet with lock.

RETENTION AND DISPOSAL:

Retention and Disposal: Destroyed 3 years after separation of employees or 3 years after rescision of authorization to operate government-owned vehicle, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, General Services Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Administrative Operations
400 7th Street, SW, NAD-51
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual to whom record pertains.
National Driver Register.

DOT/NHTSA 435.

SYSTEM NAME:

System Name: Investigations and Security. DOT/NHTSA.

SYSTEM LOCATION:

System Location Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Administrative Operations
General Services Division,
400 7th Street, SW, NAD-51
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees who allegedly violate NHTSA security regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: A memoranda specifying security violations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For security purposes.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Stored on original form HS 154.

RETRIEVABILITY:

Retrievability: Individual's name and Organization.

SAFEGUARDS:

Safeguards: Locked file cabinet.

RETENTION AND DISPOSAL:

Retention and Disposal: Destroyed 2 years after completion of final action or when no longer needed, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Security Coordinator, NHTSA,
Department of Transportation,
National Highway Traffic Safety Administration,
General Services Division, NAD-51
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Administrative Operations
400 7th Street, SW, NAD-51
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Chief Counsel, 400 7th Street, SW, Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Security Coordinator.

DOT/NHTSA 436.

SYSTEM NAME:

System Name: Contract Grievance Records. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees in the non-professional exclusive unit covered by the NHTSA/AFGE contract of March 5, 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Records contain information or documents relating to a decision by the Administration or an arbitrator affecting an individual.
The records consist of:
The initial grievance.
Letters or notices to the individual.
Record of arbitration hearing when conducted.
Materials placed into the record to support the decision or determination affidavits or statements.
Testimonies of witnesses.
Investigative reports.
Instructions to the Administration about action to be taken to comply with decisions.
Related correspondence opinions and recommendations. opinions and recommendations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To respond to a Member of Congress regarding status of a grievance.
To provide information to the public as requested by the Freedom of Information Act.
To respond to the Federal Labor Relation Authority in connection with an Unfair Labor Practice Procedure or to respond to the on appeal of an arbitration award.
To respond to a court subpoena in connection with a civil suit.
To adjudicate a grievance.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained in file folders and index cards.

RETRIEVABILITY:

Retrievability: Retrieved by names of grievant (s).

SAFEGUARDS:

Safeguards: Access limited to those with official 'need to know.' Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Retention and Disposal: The records are maintained up to 3 years and then retired to the Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Personnel Management,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals who have filed grievances under the NHTSA/AFGE contract should address inquiries to the:
Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.
Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name and address of office in which currently or formerly employed in the Federal service.

RECORD ACCESS PROCEDURES:

Record Access Procedure: After a grievance case has been closed an individual or his representative may gain access to the official copy of a grievance record by contacting the System Manager. Individuals should provide their names, date of birth, approximate date and subject of the grievance.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest, correction or amendment of the record is permitted during the prosecution of the grievance by the individual to whom the record pertains or his representative.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual to whom record pertains and/or representative.
Administration officials.
Affidavits or statements from employees.
Testimonies of witnesses.
Official documents relating to grievance.
Correspondence from organizations or persons.

DOT/NHTSA 447.

SYSTEM NAME:

System Name: Drinking Driver Tracking System. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Under the auspices of:
Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
System is located at:
State Office Building,
Salt Lake City, Utah 84114.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Persons convicted while under the influence of alcohol.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Identification data, driving record history and probation record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To analyze and evaluate drunk driver's records to look for trends, similarities and redivision rates.
To extract statistical information for evaluation purposes.
See Prefatory Statement of General Routine Uses

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic tape.

RETRIEVABILITY:

Retrievability: By individual name or driver's license number.

SAFEGUARDS:

Safeguards: Only personnel of the Utah Highway Safety Program Office can get information from file, which is stored in secured file cabinets.

RETENTION AND DISPOSAL:

Retention and Disposal 5 years; erased from file.
Source documents are destroyed after information is taken off

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Regional Administrator,
Department of Transportation,
Region VIII,
330 South Garrison Street,
Lakewood, CO 80226.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: See address in 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Police arrest records.
Court records.
Probation records.
State Driver License Division.

DOT/NHTSA 451.

SYSTEM NAME:

System Name: Medical Records and Research Data. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
System is located at:
Naval Aerospace Medical Research Laboratory (NAMRL),
Pensacola, FL 32512; and at:
NAMRL Detachment,
New Orleans, LA

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Military research subjects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Medical Histories, results of physical examinations, psychological testing, electrocardiograms, audiograms, x-rays, and miscellaneous clinical laboratory results.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Records are used to screen research subjects and for statistical purposes by military and civilian personnel employed at this activity.
Prefatory Statement of General Routine Uses 3 through 6 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The records are maintained in file folders, magnetic tape and punch cards.

RETRIEVABILITY:

Retrievability: The key for retrieval is name or social security number.

SAFEGUARDS:

Retention and Disposal: Records are not sent to records center because they are considered raw scientific data.
Records are destroyed by burning when research projects are completed.
The military health records are sent to Naval Manpower Center, Bainbridge, Maryland when an active duty member completes his tour of service.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Crashworthiness Research Division
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Vehicle Research,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Attention: Director, Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: See address under 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: See address under 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Personal medical history, personal responses to test, medical examinations, and results of experimental data.

DOT/NHTSA 454.

SYSTEM NAME:

System Name: Alcohol Behavior Research. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Under Auspices of:
Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
System is located at:
13766 S. Hawthorne Boulevard,
Hawthorne, CA 90250.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Male, heavy drinkers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Self-professed drinking ability, medical condition, personality traits, experimental drinking data, experimental performance data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Experimenters' selection of subjects for alcohol and automobile control behavior research.
Prefatory Statement of General Routine Uses, 3 through 6 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders are kept in the technical library.

RETRIEVABILITY:

Retrievability: System is indexed by subject's name.

SAFEGUARDS:

Safeguards: Accessible by the experimenter from the locked storage cabinet.

RETENTION AND DISPOSAL:

Retention and Disposal: Depend on the success and longevity of the particular line of research.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Driver and Pedestrian Research,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, S.W., Room 6240
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: See address in Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Written examination filled out by the individual and experimental data collected during tests.

DOT/NHTSA 455.

SYSTEM NAME:

System Name: Debt Complaint File. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees of the NHTSA on whom the Agency has received contacts from creditors concerning indebtedness.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Letters and other correspondence from creditors, collection agents, and state and local tax supported institutions with claims upon employees of the NHTSA.
System also contains copies of agency responses, employee statements of intention to pay debts, and other related correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Information in the system may be used by officials of the agency to determine an employee's suitability for continued employment.
Documents in the file may be used to substantiate disciplinary actions related to indebtedness.
Material in file may be used to verify prior debt complaints from the same creditor on the same individual in order to respond to the creditor's current correspondence.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records stored in file folders.

RETRIEVABILITY:

Retrievability: Indexed by name.

SAFEGUARDS:

Safeguards: Records are located in lockable file cabinets with access limited to individuals with an official need to know.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained in file for 6 months following separation or transfer of employee unless documents become part of disciplinary or appeal files covered by Civil Service Commission regulations.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, Office of Personnel Management,
National Highway Traffic Safety Administration,
Department of Transportation,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals desiring to review information about them in the system of records should address inquiries to the System Manager. Individuals requesting the information should provide their full name, date of birth, and social security number.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals desiring to access information in this system should address inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individuals desiring to contest information in this system of records should address inquiries to the System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: The individual to whom the record applies.
Creditors.
Tax supported institutions.
Courts.

DOT/NHTSA 457.

SYSTEM NAME:

System Name: Reference Files. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees of the National Highway Traffic Safety Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: File consists of reference checks, medical examination reports, and fitness-for-duty medical examination reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Information in the system may be used by officials of the Agency to determine employee's suitability for employment and continued employment.
Documents in the file may be utilized as basis for separation actions after appointment.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are stored in manila envelopes.

RETRIEVABILITY

Retrievability: Records are retrievable by employee name.

SAFEGUARDS:

Safeguards: Records are maintained in locked file cabinets. Access is limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention and Disposal: Files are maintained during period of employment. Except for medical examination reports, which will be transferred to another agency if employee transfers, the records in the file are destroyed upon employee separation. Medical examination records are destroyed, however, when inter-agency transfer is not the basis for separation.

System Manager(s) and address:

Director, Office of Personnel Management,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries about the system of records should be directed to the System Manager. Individuals requesting information should provide their name, mailing address, and social security number.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individuals who desire access to or to contest information about them in this system of records should contact the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Previous Employers.
Medical Practitioners.
Employee to whom the record pertains.

System Number: DOT/NHTSA 458.

SYSTEM NAME:

System Name: Investigations of Alleged Misconduct or Conflict of Interest. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Associate Administrator for Administration,
400 7th Street, SW, Room 5238,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Name of individual, state or contractor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Copies of allegations, investigations, audits, and recommendations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: In assessing need for corrective action as necessary.
Available to Associate Administrator for Administration, individual assigned to the review or investigation, and Special Assistant and Secretary to the Associate Administrator for Administration.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained in folders in safe.

RETRIEVABILITY:

Retrievability: Identified alphabetically by name.

SAFEGUARDS:

Safeguards: Safe combination is available only to the secretary and Special Assistant to the Associate

Administrator for Administration and secretary to the Director.

RETENTION AND DISPOSAL:

Retention and disposal: Until one year following final disposition of case then shredded.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Associate Administrator for Administration,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Attention: Associate Administrator for Administration, NAD-01.
400 7th Street, SW, Room 5238,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: See address in 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: OST Office of Investigations and Security, FBI, Office of Audits, and internal investigative individuals.
State and local investigative and law enforcement agencies.

DOT/NHTSA 459.

SYSTEM NAME:

System Name: Stockton Increased DUI Enforcement/DUI Citation and Arrest File. DOT/NHTSA.
This file will be modified specifically for this project to include driver's license numbers and BAC levels.
Other files to be used are already maintained by the City of Stockton (traffic and criminal information) or will contain no information by which an individual could be identified (roadside survey data).

SYSTEM LOCATION:

System Location: Under the auspices of the:
Department of Highway Traffic Safety Administration (NHTSA),
System is located at:
Department of Psychology,
University of the Pacific,
Stockton, CA 95211,
and at the
Records Division,
City Hall,
22 East Market Street,
Stockton, CA 95202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Persons cited and/or arrested for DUI in City of Stockton.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Citation and/or arrest records; court records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Records are used to determine BACs of DUI offenders and recidivism rate overtime.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Record are maintained on magnetic tape and cards.

RETRIEVABILITY:

Retrievability: By name and driver's license number.

SAFEGUARDS:

Safeguards: Records will be available for use by professional personnel only on evaluation team.
Records will be stored in a locked file cabinet in the Psycology Department or on tape at either computer center.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained for 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Program and Demonstration Management Division, N42-11,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Department of Transportation,
National Highway Traffic Safety Administration,
Attention: Director, Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Record Access Procedure: See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: See address in 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Citation and/or Arrest Records.

DOT/NHTSA 463.

SYSTEM NAME:

System Name: Motor Vehicle and Motor Vehicle Equipment Import. DOT/NHTSA.

SYSTEM LOCATION:

System Location: Department of Transportation,
National Highway Traffic Safety Administration,
Office of Vehicle Safety Compliance,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Importers or declarants of imported motor vehicles and motor vehicles equipment, both private and commercial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Forms HS-7, declaration on motor vehicles and motor vehicle equipment subject to Federal Motor Vehicle Safety Standards.
Customs reports of declarations and inspections.
Records relating to refusal of entry or penalties, and in some instances law enforcement and court records in alleged fraud cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used for monitoring compliance with Federal Motor Vehicle Safety Standards by NHTSA.
Records may be released to the Environmental Protection Agency for compliance with the Clean Air Act and to the U.S. Customs Service for import requirements.
Released to State divisions of motor vehicles for state purposes and to law enforcement agencies in alleged fraud cases.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper forms and computer disc tapes.

RETRIEVABILITY:

Retrievability: By name of importer or declarant, addressee(s) vehicle or vehicle identification, customs district and entry number, and port of entry.

SAFEGUARDS:

Safeguards: Disc or tape may be accessed only by discrete identification code known to the System Manager and staff.

Hard paper copies are maintained in locked cabinets.

RETENTION AND DISPOSAL:

Retention and Disposal: Hard paper copy is retained one year if no official claims are lodged against importer or declarant.

Disc and tapes retained for period of U.S. Customs Service statute of limitations before erasure.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Verification Division
Office of Vehicle Safety Compliance,
National Highway Traffic Safety Administration,
Department of Transportation,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure; Same as 'System Manager.'

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as 'System Manager.'

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'System Manager.'

RECORD SOURCE CATEGORIES:

Record Source Categories: Data is obtained from forms executed by importers or declarants for the NHTSA,U.S. Customs Service, and the Environmental Protection Agency.

DOT/NHTSA 466.

SYSTEM NAME:

System Name: National Highway Traffic Safety Administration Employee Travel Advances and Expense File.

SYSTEM LOCATION:

System Location: Room 6134.
DOT Headquarters Building,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: NHTSA Employees at Headquarters and the ten Regional Offices
Intergovernmental Personnel Act Employees of NHTSA
Temporary Employees of NHTSA

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Employee Name
Employee Number
Travel Order Number
Travel Advances Outstanding:
Continuing Advance Amount and date issued
Trip advance amount and date issued
Change of Station advance amount and date issued
Payments of advances
Travel Expense:
Subsistence
Transportation of Persons

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To maintain accountability of travel and transportation costs by object class for each allottee - Budget and Accounting Report - RIC-0033.

To control funds advanced to employees for travel and change of station.

To record detail of transactions processed for each budget allotment/allowance - Operating Budget - RIC0038.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Original records are maintained by the Office of Financial Management as follows:
Travel Orders, DOT 1500.3 and DOT 1500.4
Travel Vouchers, SF-1012
Travel Advance Record, DOT 1500.5
Data coded from these documents are keypunched to cards and processed for disc storage.

RETRIEVABILITY:

Retrievability: Job controls (JCL's) for retrieving data for periodic reports are maintained. Each report is identified by Report I.D. and by Report Name.

SAFEGUARDS:

Safeguards: JCL's are kept in a locked cabinet under custody of System Manager.

RETENTION AND DISPOSAL:

Retention and Disposal: Original Records are retained in accordance with the Comptroller General's requirements for record retention.

Hard copies of reports are retained for one year.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief,
Accounting Operations
Room 6134,
Office of Financial Management
400 7th Street, SW
National Highway Traffic Safety Administration
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Address all inquiries to:
Privacy Act Coordinator, Room 6134
Office of Financial Management
National Highway Traffic Safety Administration
400 7th Street, SW
Washington, DC 20590
Request for data may be made by any employee of NHTSA concerning the employee's own record. Request must be in writing and must identify:
System Name: DOT/NHTSA Travel Advances and Expense
Employee Number
Employee Name

RECORD ACCESS PROCEDURES:

Record Access Procedure: All inquiries as to procedures for gaining access to and Contesting records shall be directed to:
Privacy Act Coordinator - Room 6134
Office of Financial Management
National Highway Traffic Safety Administration
400 7th Street, SW
Washington, DC 20590

CONTESTING RECORD PROCEDURES:

Record Source Categories: DOT Form 1500.2 Application and Account for Advance of Funds
DOT Form 1500.3 Travel Order for Temporary Duty
DOT Form 1500.4 Travel Order for Permanent Change of Station
SF-1012 Travel Expense

DOT/NHTSA 467.

SYSTEM NAME:

System Name: Driver Programs Data System (DOT/NHTSA). Safe Performance Secondary School Driver Education Curriculum/Demonstration Project Analysis File.

SYSTEM LOCATION:

System Location: Battelle-Columbus Laboratories (BCL), 505 King Avenue, Columbus, Ohio 43201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: 15-16 year old, non-licensed DeKalb County, Ga., High School student volunteers for Driver Education.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records:

(a) DeKalb County School System Records:

(1) Student Entry Data consisting of name, DeKalb County student number, driver's license number, student project number (a unique number assigned to each student participating in the project), birthdate, sex, high school, site, socioeconomic status index, term of instruction, driver's education groups Safe Performance Curriculum (SPC), Pre-Driver Licensing Curriculum (PDL), and Control Group. (2) DeKalb County Student Master Data consisting of grade point average, address, schedule information, driver education teacher, driver education class, changes in student status, transferring schools within DeKalb County, leaving the DeKalb County School District. (3) Driver Education Project Information consisting of driver education test scores, pretest, unit tests, skill tests, post test, result of driving habit survey(s). (b) Driver History File consisting of student project number, cumulative number of points, name/date/length of suspensions, restrictions on driving, issue date of driver's license/learner's permit, exam date of driver's test, habitual offender/date, currently licensed, record of each citation; type of violation(s), date of violation, number of points for each violation, accident involved, license suspended/revoked. (c) Accident History File consisting of citation to project person, one vehicle or multi-vehicle accident, pedestrian/bicyclist accident, date of accident, violations for this accident, type of accident, property damage/injury/fatality, number of injuries, number of fatalities, position in car of injured/dead, severity of injuries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority: Highway Safety Act of 1966, Section 403.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Battelle-Columbus Laboratories at six month intervals will evaluate the effectiveness of Safe Performance Curriculum as a driver education program and report results to NHTSA program manager.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: The automated records are stored at Battelle-Columbus Laboratories (BCL) on magnetic tape and disk. The manual records are kept in files in a physically secured room.

RETRIEVABILITY:

Retrievability: The manual records are indexed by student project number to preclude the use of names. However, the automated records can also be retrieved by name, address, birthday and Georgia drivers license number.

SAFEGUARDS:

Safeguards: The contents of the collected data will not be available to any public source. Records are maintained in a secure area with controlled access. In addition, access to the computer system is through the use of account numbers.

RETENTION AND DISPOSAL:

Retention and Disposal: All client data will be retained until project termination, at that time de-identified (ID number, DL number, and name removed) copies of the analysis file will be submitted to the Office of Driver and Pedestrian Programs, NHTSA, Washington, D.C., and to other research organizations specifically requesting the de-identified data, as per NHTSA approval.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Department of Transportation, Chief, Program and Demonstration Management Division, National Highway Traffic Safety Administration, Room 5130, 400 7th Street SW., Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Contact or write to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Initiate requests for changes to records by writing to Systems Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: DeKalb County, Ga., school system records, Georgia Department of Public Safety Driving Records.

DOT/OST 101.

SYSTEM NAME:

System Name: Office of Inspector General, Management Information System (OIG/MIS).

SYSTEM LOCATION:

System Location: Office of Inspector General,
Management Information Staff,
Room 9210, 400 7th Street, S.W.,
Washington, D.C. 20590.
Using the Computer Sciences Corporation Infonet Timesharing System, Beltsville, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All active employees of the OIG, with history data on previous employees maintained for two years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Individual's current position and employment status, assignments, travel, experience, training, with the following personal data: name, social security account number, date of birth, service computation date, career status, address, assigned station, job series, clearance, education, grade and evaluation due date.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: There will be no external uses. Internally, information will be used as follows: (1) Security clearance notification alerts may be provided to an examined activity in advance of visits by OIG personnel if information to be examined requires a secret clearance or above; (2) Time and attendance reports will be used to track temporary duty travel frequency and duration, to categorize indirect time for periodic reports, to accrue staff hour data on assigned projects, and to provide time and attendance data to the centralized payroll system; (3) Planned annual leave reporting will be used by various managers for workload planning and travel scheduling; (4) Assignment information and workload status information will be used by managers to

control audits and investigations, and to maximize effectiveness or staff resources; (5) Miscellaneous personnel information will be used by staff managers to determine training needs, promotional eligibility, education and background, and professional organization participation; (6) Travel information will be used by managers to control temporary duty travel, travel costs and issuances of travel orders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Active reports on magnetic disk, with backup active records and inactive records maintained on magnetic tape.

RETRIEVABILITY:

Retrievability: All records will be retrievable through employee social security number, with selected records having certain secondary keys consisting of certain other data elements, listed in the 'Categories of Records in the System'.

SAFEGUARDS:

Safeguards: (1) Records will be maintained in a private library not accessible by any unauthorized user; (2) Authorized user identification codes will be tied to multiple password system to afford additional protection; (3) Any attempt to bypass the password protection system will result in an immediate 'Log-Off' from the system; (4) Physical access to system documentation, hard copy printouts, personal data files, and terminals will be restricted to authorized personnel by maintaining a secure environment in the headquarters office; (5) Access to data will be restricted to those who require it in the performance of their official duties and to the individual who is the subject of the record (or authorized representative); (6) Tape files will be maintained in an environmentally secure vault area when not in use.

RETENTION AND DISPOSAL:

Retention and Disposal: Records will be maintained for two years after they become inactive. All inactive records will be maintained on magnetic tape within the computer center and will be afforded the same safeguards as active records. Machine-resident records will be destroyed at the end of the two year period. Hard copy records will be retained until the records are replaced or become obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Management Information Staff,
Office of Resources and Management, JP-10
Office of the Inspector General,
Room 9202, 400 7th Street, S.W.,
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedures: Department of Transportation,
Office of Inspector General,
Room 9200, 400 7th Street, S.W.,
Washington, D.C. 20590
Attn: Assistant Inspector General for Policy, Planning and Resources.

RECORD ACCESS PROCEDURES:

Record Access Procedures: Contact System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: (1) Official personnel folder; (2) Other personnel documents; (3) Activity supervisors; (4) Individual applications and forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Systems Exempted: Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 USC 552 a(j)(2), (k)(1) or (k)(2).

DOT/RSPA 01.

SYSTEM NAME:

System Name: Funds Management Records. DOT/RSPA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Research and Special Programs Administration,
Office of Emergency Transportation, (OET), (DET-1)
400 7th Street, SW, Washington, DC 20590.
Regional Emergency Transportation Coordinator (RETCO),
Regions 1 and 2,
c/o Commander 1st Coast Guard District,
150 Causeway Street,
Boston, MA 02114.
RETCO, Region 3,
c/o Federal Highway Administration,
1633 Federal Building,
Baltimore, MD 21201.
RETCO, Region 4,
c/o Federal Aviation Administration,
P.O. Box 20636,
Atlanta, GA 30320.
RETCO, Region 5,
c/o Federal Highway Administration,
18209 Dixie Highway,
Homewood, IL 60430.
RETCO, Region 6,
c/o Federal Aviation Administration,
P.O. Box 1689,
Ft. Worth, TX 76101.
RETCO, Region 7,
c/o Federal Highway Administration,
P.O. Box 19715, Country Club Sta.,
Kansas City, MO 64141.
RETCO, Region 8,
c/o Federal Highway Administration,
Denver Federal Center,
Denver, CO 80225.
RETCO, Region 9,
c/o United States Coast Guard,
Commander Pacific Area,
630 Sansome Street,
San Francisco, CA 94126.
RETCO, Region 10,
c/o Commander 13th Coast Guard District,
Federal Building, Room 3588,
915 Second Avenue,
Seattle, WA 98174.
RETCO, Alaska Region,
c/o Federal Aviation Administration,
P.O. Box 14, 701 C Street,
Anchorage, AK 99513.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individual: Members of the National Defense Executive Reserve (NDER): private citizens; Military members; U.S., State, and local government officials and civil servants, who participate in Fund activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Receipt forms by individual name, with dates, amounts of money received, and purpose with vouchers to enter the fund; checks with vouchers in payment of approved invoices; procurement requests for authorized services; invoices for services rendered and correspondence to agencies, firms and individuals pertaining to the above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Internal management of non-appropriated funds of NDER units, National and Regional, in authorized training activities of those units.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Individual records are maintained in a filing folder appended to numbered vouchers.

RETRIEVABILITY:

Retrievability: Retrieved only by incident or occasion to which voucher pertains.

SAFEGUARDS:

Safeguards: Maintained in metal file containers or other standard office equipments which are kept in a locked file room.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained for three years.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Custodian,
Organization Fund,
Department of Transportation,
Research and Special Programs Bureau,
Office of Emergency Transportation Unit,
National Defense Executive Reserve,
400 7th Street, SW, Room 8330,
Washington, DC 20590. For each Region the RETCO (Section 02) is manager of the Regional Fund.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to any of the offices listed under 'System Locations'. Individuals requesting such information must sign the request personally and include suitable identification. Alternatively personal visits to the above locations with presentation of suitable identification will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individual may secure or obtain information or procedures for gaining access to records by addressing a written query to the offices cited above or presenting him or herself in person to those offices.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Data comes from individuals concerned.

DOT/RSPA 02.

SYSTEM NAME:

System Name: National Defense Executive Reserve (NDER) File. DOT/RSPA.

SYSTEM LOCATION:

System Location Office of Emergency Transportation (OET) (DET-1)
Department of Transportation,
400 7th Street, SW,
Washington, D.C. 20590.

Some records are held only in the Office of Emergency Transportation while others are held at various locations in the custody of officials in the several regions, as indicated in the paragraph labeled 'Categories of Records' below. Holdings of the Regional Directors-designate and Deputy Directors-designate are partial duplications of the Regional Emergency Transportation Coordinator(RETCO) files and may be accessed through the applicable RETCO. The RETCO and the Regional Emergency Transportation Representative(RETREP) for each region may be contacted directly at the addresses shown below. The Regional Director-designate and Deputy Director-designate for each region may be contacted by addressing mail in care of the RETCO for that region at the address shown in the following list:

Regions 1 and 2,
150 Causeway Street,
Boston, MA 02114.
Region 3,
1633 Federal Building,
Baltimore, MD 21201.
Region 4,
P.O. BOx 20636,
Atlanta, GA 30320.
Region 5,
18209 Dixie Highway,
Homewood, IL 60430.
Region 6,
P.O. Box 1689,
Ft. Worth, TX 76101.
Region 7,
P.O. Box 19715,
Country Club Sta.,
Kansas City, MO 64141.
Region 8,
Denver Federal Center,
Denver, CO 80225.
Region 9,
630 Sansome Street,
San Francisco, CA 94126.
Region 10,
Federal Bldg.,
Rm. 3588,
915 Second Ave.,
Seattle, WA 98174.
Alaska Region,
P.O. Box 14, 701 C Street,
Anchorage, AK 99513.
Emergency Facilities Liaison Officer,
FAA Records Center,
West King Street and South Maple Avenue,
Martinsburg, WV 25401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Category of Individual: Upper, middle, and lower management members of the transportation industry, university professors, lawyers, labor leaders, and businessmen who are candidates for membership in NDER, active members of NDER, or who are former members whose membership has been terminated by death, resignation or involuntary release, and emeritus members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records Personnel and security forms completed by individuals consisting of applications, statements of understanding by employers, security and identifcation data from individuals, certificates of appointment and reappointmen (located at DOT/RSPA/OET and RETCOs only); names and addresses of individuals for directory (maintained at DOT/RSPA/OET only); name and address card file (maintained at DOT/OST/OET only); card file with name, date of appointment and date of reappointment (in OET only); lists of reservists in process including active and Emeritus members and former members showing steps in process, numerical sequence, unit assignment, name date of designation, state of residence, date of separation and reason (in OET only); contact file of those previously nominated but not appointed, or once in program but not no longer members, with date and reason for non-affiliation (in OET only); personal data sheet for each individual which presents summary of pertinent data including photograph to assist professional staff in evaluating the member and assigning member on appointment and reappointment or during active membership (this record held at all locations).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses Internal personnel management of the NDER for the Department of Transportation, which includes staff action and exchange of data with the Office of the Director, Federal Emergency Management Agency, which is responsible for the entire National Defense Executive Reserve Program. Available to the Secretary, any Secretarial Officer, head of an operating administration, or their designated subordinates who require access in the pursuit of their duties. Available to director and staff members of OET, to RETCO's and their staff members, to Regional Directors-designate and Deputies and the Emergency Facilities Liaison Officer, FAA Records Center (for storage purposes only) who require access in pursuit of their duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Individual records are maintained in a manual system in a locked file room consisting of a filing jacket with the individual's name tabbed and containing all papers pertaining to him or her, except the following which are maintained as stated.

Directory - stored in bulk in steel containers.
Mailing List - maintained in standard card file.
Chronological File - maintained in standard card file.
Contact File - maintained in standard card file.
Personal Data Sheets - maintained in separate loose leaf note books or in personnel jackets at option of holder.

RETRIEVABILITY:

Retrievability Indexed alphabetically by name. Retrieved manually.

SAFEGUARDS:

Safeguards Maintained in metal file containers or other standard office equipment.

RETENTION AND DISPOSAL:

Retention and Disposal Held for five years from date of separation and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director of Emergency Transportation, Research and Special Programs Administration (DPB-30), Department of Transportation (Room 8330), Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Notification Procedure Inquiries may be addressed to any of the offices and officials listed under 'System Locations'. Individuals requesting such information must sign the request personally and include in the text of the request suitable identification. Alternatively, personal visits to the above locations with presentation of suitable identification will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Record Access Procedures Individual may secure or obtain information on procedures for gaining access to records by (1) referral to the information sheet issued to him or (2) addressing a written query to the offices cited under 'System Location' above (except the Emergency Facilities Liaison Officer, FAA Records Center, West King Street and South Maple Avenue, Martinsburg, WV 25401, which maintains duplicate files in storage only) or (3) presenting himself or herself in person to those offices.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedures Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Record Source Categories Personal data submitted by the individual; data from his or her employer; recommendations from colleagues; mailing data from existing distribution system.

DOT/RSPA 03.

SYSTEM NAME:

System Name: Security Management Records. DOT/RSPA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Research and Special Programs Administration (RSPA),
Office of Emergency Transportation (OET),
400 7th Street, SW, Room 8330,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All members of OET.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Jacket file of all security clearance records of all personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Management by Director OET and Security Officer of security classification levels required by missions and functions of OET.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Maintained in single folder with all pertinent items included alphabetically.

RETRIEVABILITY:

Retrievability: Alphabetically by name.

SAFEGUARDS:

Safeguards: Restricted to use by Director of Emergency Transportation and the OET Security Officer. File maintained in a locked 3-combination safe.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained during period of employment. Transferred with the individual or returned to Security Office of OST.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director of Emergency Transportation,
Department of Transportation,
Research and Special Programs Administration (DET-1).
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to the office listed under 'System Location'. Individuals requesting such information must sign the request personally. Alternatively, personal visits to the above location with presentation of necessary identification will enable individual to have access to his record.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individual may secure information on procedures for gaining access to records by (1) addressing a written query to the office cited under System Location above or (2) presenting himself in person to that office.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Data from individual, and from Director of Investigations and Security, Department of Transportation.

DOT/RSPA 04.

SYSTEM NAME:

System Name: Transportation Research Activities Information Service (TRAIS).DOT/RSPA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Research & Special Programs Administration (RSPA)
Transportation Systems Center (TSC),
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Program/Project Managers and research investigators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Notification of Technical Research and Development.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Information on on-going and completed research and development accomplishments.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Computer disc storage and magnetic tape.

RETRIEVABILITY:

Retrievability: Retrievable by keywords and unique accession number assigned by Data Base Administrator; batch process or on-line interaction.

SAFEGUARDS:

Safeguards: Physical security - user identification and passwords.

RETENTION AND DISPOSAL:

Retention and Disposal: Up to three-year retention and then tape is reused which destroys previous data.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Transportation Research Activity Information Services Branch, TST-25.1, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Contract Awards from Contracting Offices, Publication of Technical Report.

DOT/RSPA 05.

SYSTEM NAME:

System Name: Transportation Research Information Service on line (TRIS-On-Line).DOT/RSPA.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT), Office of the Secretary (OST), System physically located at the: Battelle Laboratories, Columbus, OH

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Program/ Project Managers and authors of reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Notification of Technical Research and technical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Information on on-going and completed research and development accomplishments.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Computer disc storage and magnetic tape.

RETRIEVABILITY:

Retrievability: Retrievable by keywords and accession number assigned by Data Base Administrator, batch or on-line interaction.

SAFEGUARDS:

Safeguards: Physical security - User identification keywords and passwords.

RETENTION AND DISPOSAL:

Retention and Disposal: Up to five year accessibility, tape goes to archival storage.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Transportation Research Information Services Branch, TST-25.1, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Same as System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Same as System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Contract awards received from Contracting Offices, Publication of Technical Reports.

DOT/RSPA 06.

SYSTEM NAME:

System Name: Emergency Alerting Schedules. DOT/RSPA.

SYSTEM LOCATION:

System Location: These records are located in the national headquarters of the Offices of the Secretary; the heads of operating administrations, regional offices of the Regional Emergency Transportation Coordinators, the Regional Administrators, Directors and Commanders of the operating administrations and in headquarters of operating administrations divisions, district commands, and other field offices of the Department.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Professional and clerical employees and military members of the U.S. Government, Directors - designate and Deputy Directors - designate and members of the National Defense Executive Reserve who have been given emergency billet assignments within the Department of Transportation Emergency Structure.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: The Alerting Charts and Schedules show names and office and home telephone numbers of individuals in calling sequence and are listed by national headquarters and by regional offices; also contain similar listings designed for management convenience within DOT and the operating elements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For identification of individuals required to insure viability of DOT in the immediate preattack - transattack - postattack period of a national defense emergency. Available to the Secretarial Officers, heads of operating administrations or designated subordinates (national and regional) and to individuals listed.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Publication is maintained in stock, in listings in each office of record.

and in standard filing equipment in locked file rooms.

RETRIEVABILITY:

Retrievability: Manually by position listing.

SAFEGUARDS:

Safeguards: Metal file containers or other standard office equipment secured in a locked file room during office duty hours.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained until republished then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director of Emergency Transportation, (DET-1)
Department of Transportation,
Research and Special Programs Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to any of the offices listed under 'System Locations'. Individuals requesting such information must sign the request and include suitable identification.

Alternatively, personal visits to the above locations with presentation of the above credentials will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individual may secure or obtain information on procedures for gaining access to records by (1) referral to the information sheet issued to him or (2) addressing a written query to the offices cited under System Location, (except the Facility Manager, FAA Records Center, West King Street and South Maple Avenue, Martinsburg, WV 25401, who maintains duplicate files in storage only) or (3) presenting himself to those offices.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Record Source Categories: Office or Agency of employment.

DOT/RSPA 07.

SYSTEM NAME:

System Name: Time and Attendance Report (FHWA Form 320 (7-73)) for the Office of Emergency Transportation. DOT/RSPA.

SYSTEM LOCATION:

System Location: Department Transportation (DOT),
Research and Special Programs Administration,
Office of Emergency Transportation (OET), DET-1
400 7th Street, SW, Room 8330,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Professional and clerical employees, permanent and temporary, and consultants employed in OET.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Record consists of a computer punch card with a tissue carbon.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used to maintain record of attendance at duty station and leave accounts of employees concerned.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Records are maintained alphabetically in desk of the administrative secretary to the Director.

RETRIEVABILITY:

Retrievability: Maintained alphabetically; retrieved manually.

SAFEGUARDS:

Safeguards: Maintained in a locked file room in a building under 24 hour guard; admission by building pass only.

RETENTION AND DISPOSAL:

Retention and Disposal: Hard copy forwarded to paymaster every pay period; tissue retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director of Emergency Transportation, DET-1,
Department of Transportation,
Research and Special Programs Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Inquiries may be addressed to the System Manager. Individuals requesting such information must sign the request and provide suitable identification.

Alternatively, a personal request to the System Manager or his representative will enable the individual to have access to his record.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Individual may obtain information on procedures for gaining access by addressing a written query to the system manager or by presenting himself to the office cited in location above.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Individual may obtain information on contest by request to the System Manager.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individuals concerned. Personnel and pay account records.

DOT/RSPA-08.

SYSTEM NAME:

System Name: Technical Pipeline Safety Committee. DOT/MTB

SYSTEM LOCATION:

System Location: Department of Transportarion (DOT),
Research and Special Programs Administration
Materials Transportation Bureau (MTB),
Office of Pipeline Safety Regulation (DMT-30)
400 7th Street, SW, Room 8101.
Washington,DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Members of Technical Pipeline Safety Standards Committee- intermittent consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Biographical data in support of member's nomination.
Letters and news releases for member's appointment/reappointment.
Personnel Actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: General reference purposes for support functions.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: In file folders.

RETRIEVABILITY:

Retrievability: Alphabetically by name within subject area.

SAFEGUARDS:

Safeguards: Room locked after hours, most information is public knowledge.

RETENTION AND DISPOSAL:

Retention and Disposal: Kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS

System Manager: Director of Pipeline Safety Regulation, DMT-30,
Department of Transportation,
Materials Transportation Bureau,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Notification Procedure: Address inquiries to System Manager including individual/s name.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Information may be obtained from the System Manager. +13

Record Contest Procedure: Same as for Access above.

RECORD SOURCE CATEGORIES:

Record Source Categories: Personnel Action (SF 50).
Travel Vouchers (SF 1012).
Certificate of Consultant's Services.
Press Releases.
Administrative Correspondence/ Memorandums.

DOT/SLS 151.

SYSTEM NAME:

System Name: Claimants under Federal Tort Claims Act. DOT/SLS.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Administration Building,
P.O. Box 520
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals: Persons who make claims against the Corporation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Claims forms on which are recorded name, address, age and marital status of claimants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Used by General Counsel to determine allowability of claims.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders.

RETRIEVABILITY:

Retrievability: Indexed by subject and name.

SAFEGUARDS:

Safeguards: Records are kept in locked file cabinets and are accessible only to the General Counsel and his secretary.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained indefinitely since they are not extensive and are used for reference.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: General Counsel,
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
P. O. Box 520,
Massena, NY 13662.

NOTIFICATION PROCEDURE:

Notification Procedure: The individual may inquire, in writing, to the above System Manager to inquire whether this system of records applies to him/her.

RECORD ACCESS PROCEDURES:

Record Access Procedure: An individual may gain access to his/her records by written request to the:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P.O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records will be directed to the Director of Administration, as under 'Record Access Procedure',and if not resolved at that level, may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator, SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Record Source Categories Claimants.

DOT/SLS 152.

SYSTEM NAME:

System Name: Data Automation Program Records. DOT/SLS.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Administration Building,
P.O. Box 520
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Payroll and leave records, work measurement records, travel vouchers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: Payroll and voucher disbursement:
GAO audits.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12) Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Magnetic tape reels, punch cards, micro-film cassettes and supporting documents.

RETRIEVABILITY:

Retrievability: Indexed by social security number and name.

SAFEGUARDS:

Safeguards: Records are kept in locked file cabinets or locked rooms accessible to appropriate supervisor, his immediate assistants and secretary.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained in accordance with GAO and GSA schedules.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Comptroller,
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
P.O. Box 520,
Massena, NY 13662.

NOTIFICATION PROCEDURE:

Notification Procedure: The individual may inquire, in writing, to the System Manager to inquire whether this system of records applies to him.

RECORD ACCESS PROCEDURES:

Record Access Procedure: An individual may gain access to his records by written request to:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P.O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records will be directed to the Director of Administration, at the address given in 'Record Access Procedure'.
If not resolved at that level, may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator, SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Record Source Categories Information obtained from employees, personnel records, consultants.

DOT/SLS 153.

SYSTEM NAME:

System Name: Employees' Compensation Records. DOT/SLS.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Administration Building,
P.O. Box 520
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Claim forms on which are recorded employees' personal statistics, medical record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: For determining allowability of claims.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: File folders and micro-film cassette.

RETRIEVABILITY:

Retrievability: Indexed by name.

SAFEGUARDS:

Safeguards: Records are kept in locked file cabinets and are accessible to cognizant Personnel Officers.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained indefinitely for possible future use.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager:
Director of Administration,
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
P.O. Box 520
Massena, NY 13662.

NOTIFICATION PROCEDURE:

Notification Procedure: The individual may inquire, in writing, to the above System Manager to inquire whether this system of records applies to him.

RECORD ACCESS PROCEDURES:

Record Access Procedure: An individual may gain access to his records by written request to:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P.O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records will be directed to the System Manager and if not resolved at that level, may be appealed in writing to the:
Secretary of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator, SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Record Source Categories; Injured employee, witnesses, supervisors, hospitals, physicians.

DOT/SLS 155.

SYSTEM NAME:

System Name: Emergency Operating Records (Vital Records). DOT/SLS.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Eisenhower Lock (Emergency Relocation Site),
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Retirement records, payroll distribution records, leave records, employee roster and next of kin records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: To insure continuity of operations during and after a national defense emergency.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12) Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices: +9A4 Storage: File folders.

RETRIEVABILITY:

Retrievability: Indexed by name and social security number.

SAFEGUARDS:

Safeguards: Locked metal file container.

RETENTION AND DISPOSAL:

Retention and Disposal: Retained until updated annually; then old records destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director of Administration (Emergency Coordinator),
Department of Transportaion,
Saint Lawrence Seaway Development Corporation,
P. O. Box 520,
Massena, NY 13662.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals may inquire in writing to the System Manager to inquire whether this system of records applies to him.

RECORD ACCESS PROCEDURES:

Record Access Procedure: An individual may gain access to his records by written request to the:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P. O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of these records will be directed to the Director of Administration and if not resolved at that level, may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Record Source Categories: Personnel records, time cards, and related supporting documents.

DOT/TSC 700.

SYSTEM NAME:

System Name: Automated Management Information System. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Computer Center, DTS-33
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Contains job related information associated with the following applications: ADP services, property management, procurement requests, contract information, travel information, program and related job plans, patent data, space utilization, park control and other pertinent management information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general pruposes of this system are intended for internal management and control, including:
Computer facility planning.
ADP cost distribution.
Budget and planning analysis.
Procurement tracking.
Procurement statistics and analysis.
Information of travel incurred.
Contract administration.
Control of property.
Control of building space.
Control of parking facilities.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Retrievability: Indexed by employee's name.

SAFEGUARDS:

Safeguards: Access to the systems and their associated data banks is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.
Access to reports is controlled by the Reports Distribution function of the Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation.
Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

Retention and Disposal: The systems are permanent unless replaced.
The data banks, for the most part, are related to fiscal year activity.
Subsequent to the fiscal year, the data banks become either part of the history file of the system or are maintained by themselves for historical reasons.
Data records are deleted from the data banks on an as-required basis, and subsequently are eliminated from associated reports.
Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. Official closing reports corresponding to month-end and fiscal-year-end periods are retained for longer periods and are not subject to any rigid disposal procedure.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Associate Director of Administration, DTS-80,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained through the Associate Director of Administration from the
Department of Transportation,
Transportation Systems Center,
Chief, Computer Center, DTS-33,
Kendall Square,
Cambridge, MA 02142.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager.
An individual may gain access to his data by written request.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Administrative functional areas and technical directorates utilizing standard forms and special TSC forms such as the ADP Job Order form, the Procurement Request form, the TSC Contract, the Property Control form the Project Program Agreement (PPA form, and the Work Plan Budget (WP) form.

DOT/TSC 701.

SYSTEM NAME:

System Name: Employee Travel Records. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Finance and Admin. Services Division
Accounting Branch, DTS-823,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: TSC employees and other Government employees and private persons issued invitational travel orders to confer on Government problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Travel records pertaining to reimbursements to individuals, consisting of:
Copies of travel orders.
Per diem vouchers.
Transportation requests.
Hotel reservations and all supporting papers relating to official travel of TSC employees or others authorized to travel by law.
Travel logs.
Travel reservation record card.
ADP travel reports.
Teletype ticket listing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purposes of these records are intended for internal management and control, and also to authorize travel and reimbursement of expenses incurred.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12) Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Travel forms, logs, card files, basic documents and other paper records, including ADP printouts.

RETRIEVABILITY:

Retrievability: Indexed by employee's name.

SAFEGUARDS:

Safeguards: Records are maintained in locked file cabinets. Logs are generally maintained in locked desk drawer.

RETENTION AND DISPOSAL:

Retention and Disposal: Travel administration unit copies are maintained two (2) years then forwarded to the Federal Records Center where they are disposed of after one (1) additional year.
Obligation copies are disposed of when funds are obligated, generally by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Finance and Administrative Services
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager. An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Individual's request for travel and reimbursement with all supporting papers relating to official travel.

DOT/TSC 702.

SYSTEM NAME:

System Name: Legal Counsel Information Files. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Office of Chief Counsel, Code 14,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: TSC employees involved with legal matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Counseling records, conflict of interest and Source Evaluation Board (SEB), and individual claims and personnel actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purposes of these records are intended for internal management and control, including administrative reference and advising and counseling in legal matters.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper record folders.

RETRIEVABILITY:

Retrievability: Indexed by employee's name and subject matter.

SAFEGUARDS:

Safeguards: Records are maintained in locked desk drawers and safe.

RETENTION AND DISPOSAL:

Retention and Disposal: One (1) year after final action.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief Counsel,
Department of Transportation,
Transportation Systems Center,
Office of Legal Counsel,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager.
An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Employee, Supervisor, Legal Office, Personnel Office.

DOT/TSC 703.

SYSTEM NAME:

System Name: Occupational Safety & Health Reporting System. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Deputy Associate Director of Administration, DTS-81,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: TSC employees, in-house contractor personnel and visitors who have occupational illnesses, injuries or are involved in Government property accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Federal Occupational Injuries & Illnesses Survey form. DOT Accident/Injury Reports, DOT forms 3902.1 through 8.
Department of Labor, for payment of medical bills and workmen's compensation, as applicable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purposes of these records are intended for internal management and control, and also for accident prevention.
The routine uses of the Department of Labor forms are for (1) submission to doctors and medical institutions rendering services to individuals and (2) to the Office of Employees Compensation, Department of Labor, for payment of medical bills and workmen's compensation, as applicable.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Forms and other paper records.

RETRIEVABILITY:

Retrievability: Indexed by individual's name.

SAFEGUARDS:

Safeguards: Records are maintained in locked file cabinets and folders are stamped 'For Official Accident Prevention Use Only.'

RETENTION AND DISPOSAL:

Retention and Disposal: Records are retained for five years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Deputy Associate Director of Administration, DTS-81,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager.
An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Documents provided by the individual concerned and immediate supervisor.

DOT/TSC 704.

SYSTEM NAME:

System Name: Stand-By Personnel Information. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Finance and Administrative Services Division,
Budget Branch, DTS-821,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: TSC technical directorate personnel currently not fully assigned to authorized projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Employee work project status and request for approval for stand-by time.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purposes of these files are intended for internal management and control, including administrative reference and scheduling of work projects, budgeting and overhead classification.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records.

RETRIEVABILITY:

Retrievability: Indexed by employee's name and subject classification 'Stand-By Time.'

SAFEGUARDS:

Safeguards: Records are maintained in secured desk drawers and cabinets.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained for one (1) additional year following completion of current fiscal year. Records are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Finance and Administrative Services Division, DTS-82,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager.
An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation
Office of the Secretary
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Supervisor.

DOT/TSC 706.

SYSTEM NAME:

System Name: Automated Planning System. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Office of Plans and Programs, DTS-20,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All TSC technical personnel, i.e., those personnel working on direct projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Information on all current and anticipated programs/projects and respective limits of man-years and dollars (total) budgeted.
Personnel information on all technical personnel.
Information on each technical person, based upon the planning/assignment of an individual to a program/project.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purpose of this system is to aid in the planning for an analysis of the loading (assignment) of manpower to the numerous programs/projects undertaken by the TSC.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Retrievability: Indexed by employee's name.

SAFEGUARDS:

Safeguards: Access to the system and its associated data banks is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.
Access to reports is controlled by the Reports Distribution function of the Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation.
Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on safeguards and controls.

RETENTION AND DISPOSAL:

Retention and Disposal: The system is permanent unless replaced. The data banks, for the most part, are related to fiscal year activity. Subsequent to the fiscal year, the data banks become either part of the history file of the system or are maintained separately for historical reasons.
Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. Official closing reports corresponding to month-end and fiscal-year-end periods are retained for longer periods and are not subject to any rigid disposal procedure.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director, DTS-1,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained through the Associate Director of Administration from the Assistant Director, Plans and Programs, DTS-20:
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: An individual may gain access to his data by written request. Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary.
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Program/Project files.
Personnel files.
Assignment forms.

DOT/TSC 707.

SYSTEM NAME:

System Name: Automated Manpower Distribution System. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Finance and Admin. Services Division, DTS-82
Accounting Branch, DTS-823,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Contains information delineating the time and charges, including fringe and overhead, that TSC employees worked. The main association of the time and charges is with employee job assignment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purposes of this system are intended for internal management and control, including:
Administrative reference.
Cost management.
Labor assignments and expenditures as they relate to both the job and the employee.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12) Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Retrievability: Indexed by employee's number and job number.

SAFEGUARDS:

Safeguards: Access to the system and its associated data bank is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.

Access to reports is controlled by the Reports Distribution function of the Administration Directorate on a need-to-know basis. For normal working requirements the reports are distributed to the functional area responsible for the data generation.

Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

Retention and Disposal: The system is permanent unless replaced.

The data bank is related to fiscal year activity. Subsequent to the fiscal year, the data bank becomes part of the system's history file.

Data records are deleted from the data bank on an as required basis, and subsequently are eliminated from associated reports.

Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded.

Official record copy reports are subject to retirement in accordance with General Records Schedules (GRS).

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Associate Director of Administration, DTS-80,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained through the Associate Director of Administration from the Chief, Accounting Branch, DTS-823 at the address under 'System Location'.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: An individual may gain access to his data by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretray of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Transportation Systems Center,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: TSC form entitled 'Manpower Distribution'.

DOT/TSC 708.

SYSTEM NAME:

System Name: Combined Federal Campaign Information. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Office of the Director, DTS-1,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: A record of how much, if anything, each employee has contributed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purpose of this system is to gather and disseminate statistics and information on the donations to the Combined Federal Campaign.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Form filled out by keyman.

RETRIEVABILITY:

Retrievability: Indexed by employee's name.

SAFEGUARDS:

Safeguards: Records are maintained in locked file cabinet.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained for five years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Director,
Department of Transportation,
Transportation Systems Center,
Director, DTS-1,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: An individual may gain access to his records by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Combined Federal Campaign forms filled out by employees.

DOT/TSC 709.

SYSTEM NAME:

System Name: Minority Information Files. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Civil Rights Officer, DTS-86.
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: TSC minority employees.

Potential minority hires in New England.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Counselor records, Potential employee applications, minority skills bank, ADP reports - minority evaluation, personnel changes, minority reports, skills bank - resume card file, minority training records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purpose of these files is for: Use by the Civil Rights

Office in DOT, administrative reference, and statistical reporting.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Card files, paper records, ADP reports.

RETRIEVABILITY:

Retrievability: Indexed by name, skills, standard personnel subject classification.

SAFEGUARDS:

Safeguards: Records are maintained in locked file cabinet.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained for 2 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Civil Rights Officer, DTS-86,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: An individual may gain access to his records by written request.
Contest of this data will be made to the System Manager.
If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Equal Opportunity Officer.
Equal Opportunity Counselors.
Personnel Office.
Individual potential federal employees.

DOT/TSC 711.

SYSTEM NAME:

System Name: Blood Donor Information File. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Facilities Division, DTS-83,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All TSC employees and on-site contractor personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Blood Donors Phone Book (name, organization and telephone number of donor).
Blood Donors Schedule.
Requests for Blood Form (from hospital for employee or dependent).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purposes of these records is for the donation of blood by TSC employees and on-site contractor personnel to ensure coverage for themselves, spouses, dependent children, parents and grandparents of both employee and spouse, and all other people living in the employee's household for whom the member has responsibility.
The routine use of this system of records is to respond to requests for blood from employees and their dependents by furnishing information to the Red Cross to ensure the availability of blood.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage; Paper record.

RETRIEVABILITY:

Retrievability: Indexed by employee's name.

SAFEGUARDS:

Safeguards: Records maintained in locked file cabinet.

RETENTION AND DISPOSAL:

Retention and Disposal: Blood Donors Phone Book and Blood Donors Schedule maintained for one year and then destroyed. Request for Blood Form maintained until individual terminates employment with TSC, records are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Facilities Division, DTS-83,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: An individual may gain access to his data by written request.
Contest of this data will be made to the System Manager.
If administrative resolvement is not satisfactory to the individual, appeals may be filed with the Secretary of Tranportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office ot the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Blood Donors Phone Book and Blood Donors Schedule are filled out by solicitors.
Request for Blood Form completed by employee or dependent requesting blood.

DOT/TSC 712.

SYSTEM NAME:

System Name: Automated Personnel/Communications/Security System. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Computer Center, DTS-33
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All TSC employees and tenants from other government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Contains the pertinent information for activities involved with Personnel, Communications, and Security.
Contains information about an individual relating to:
Social security number.
Salary,
Birthdate.
Veteran preference.
Tenure.
Handicap.
Grade.
Marital status.
Service computation date.
Home address and telephone number.
TSC location including building and telephone number.
Security clearance level and date granted.
CSC title and classification code.
Competitive level.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purposes of this system are intended for internal management and control, including:
Administrative reference.
Source for management information for producing summary statistics and registers in support of the Personnel, Communications and Security functions.
See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12) Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Govt.) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Retrievability: Indexed by employee's number.

SAFEGUARDS:

Safeguards: Access to the systems and their associated data banks is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.
Access to reports is controlled by the Reports Distribution function of the Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation.
Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

Retention and Disposal: The systems are permanent unless replaced.
The data banks are related to both fiscal year and calendar year activity. Subsequent to the appropriate period, the data banks become either part of the history file of the system or are maintained by themselves for historical reasons.
Data records are deleted from the data banks on an as-required basis, and subsequently are eliminated from associated reports.
Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. Official closing reports corresponding to month-end, fiscal-year-end and calendar year-end periods are retained for longer periods and are not subject to any rigid disposal procedure.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Associate Director of Administration, DTS-80,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained through the Associate Director of Administration from the:
Department of Transportation,
Transportation Systems Center,
Chief, Computer Center, DTS-43,
Kendall Square,
Cambridge, MA 02142.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: An individual may gain access to his data by written request.
Contest of this data will be made to the System Manager.
If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Employee, Personnel Office, Communications Office, Security Office.

DOT/TSC 713.

SYSTEM NAME:

System Name: Employee - Manpower Distribution System. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Finance and Administrative Services Division,
Accounting Branch, DTS-823,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Payroll and pay administration records pertatining to TSC employees for personal services, consisting of manpower distribution cards, retirement records, time and attendance reports, withholding tax and savings bank records, ADP reports, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purposes of these records are intended for internal management and control; to charge labor to the appropriate direct or overhead job orders.
The routine uses of these records are as follows:
Transfer of information to the Department of Labor,
Transfer of payroll history 7/1/70 to 10/4/80.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Payroll and Manpower Distribution forms, cards, registers, basic documents and other paper records, including ADP printouts.

RETRIEVABILITY:

Retrievability: Indexed by employee's name and number.

SAFEGUARDS:

Safeguards: Employee's payroll folders are maintained in a locked file cabinet.
Payroll office is locked during other than normal working hours.
Manpower Distribution records are maintained in a locked file cabinet.
Access to and use of all these records are limited to individual employee and those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention and Disposal: Payroll System Records common to all federal agencies are retained and disposed of in accordance with General Records Schedule (GRS) No. 2.
Manpower Distribution cards are maintained one fiscal year and then forwarded to the Federal Records Center (FRC) where they are destroyed after 2
All ADP reports are maintained one fiscal year and then additional years. destroyed except the year-end reports which are maintained three fiscal years and then forwarded to the FRC where they are destroyed in accordance with GRS No. 2.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Finance and Admin. Services Division, DTS-82,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the Systems Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: An individual may gain access to his data by written request.
Contest of this data will be made to the System Manager.
If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Basic payroll and manpower documents (standard and TSC forms); duplicate copies provided by Personnel and Training Division; individual employee on whom record is maintained.

DOT/TSC 714.

SYSTEM NAME:

System Name: Health Unit Employee Medical Records. DOT/TSC.

SYSTEM LOCATION:

System Location:
Department of Transportation (DOT),
Transportation Systems Center (TSC),
Human Resources Management Division, DTS-84,
Health Unit/Building 1, 9th Floor,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: TSC employees and support service contractor personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Individual Health Record Cards.
Individual Health Record Case Files.
Register of Visits.
Laser Eye Tests and Government Driver's Tests.
Pre-employment Physical Examinations, Health Justification Placement Records, Disability Retirement Examinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purposes of these records are to maintain a medical history of any TSC employee, including contractor personnel, who receives services from the Health Unit; ensure applicants for licenses to drive Government Vechiles meet physical requirements; and lasers are not adversely affecting employee's eyes.
The routine uses of these records are to respond to requests from other Doctors, Universities and Insurance Companies, and to submit medical reports to the Department of Labor, Office of Employees Compensation, to meet requirements of the Occupational Safety and Health Act of 1970 and DOT/TSC Safety Program.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Cards, forms, logs and other paper records.

RETRIEVABILITY:

Retrievability: Indexed by employee's name.

SAFEGUARDS:

Safeguards: Records are maintained in locked file cabinets and room secured when no one is there.
Information from records is provided only with consent of employee.

RETENTION AND DISPOSAL:

Retention and Disposal: (In accordance with GRS No. 1):
Individual Health Record Cards are maintained until 6 years after date of last entry on the card.
Individual Health Record Case Files are maintained until 6 years after date of last papers in the file.
Registers of visits maintained until 2 years after last date in log or register.
Upon termination of employment with TSC, latest Laser Eye Tests and Government Driver's Tests records are combined with Health Record Case Files and disposed of as part of these files.
Pre-employment Physical Examinations, Health Justification Placement Records, and Disability Retirement Examinations become part of the official personnel folder (OPF) upon separation, and are transferred to the NPRS, St. Louis, MO., 30 days after separation, where they are disposed of in accordance with GRS No. 1, Item 1.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Human Resources Management Division, DTS-84,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained through the Chief, Human Resources Management Division, from resident physician or nurse, TSC Health Unit.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Request from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: An individual may gain access to his data by written request.

Contest of this data will be made to the System Manager.
If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Employee.
Health Unit Doctor/Nurse.
TSC Safety Officer.

DOT/TSC 715.

SYSTEM NAME:

System Name: Bi-Weekly Personnel Status Report. DOT/TSC.

SYSTEM LOCATION:

System Location: Department of Transportation (DOT),
Transportation Systems Center (TSC),
Human Resources Management Division, DTS-84,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals: All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of Records: Name, grade and title.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine Uses: The general purpose of this system is to dispense personnel management information in order to control billets.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Policies and Practices:

STORAGE:

Storage: Paper records.

RETRIEVABILITY:

Retrievability: Chronologically.

SAFEGUARDS:

Safeguards: Records are maintained in a cabinet.

RETENTION AND DISPOSAL:

Retention and Disposal: Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager: Chief, Human Resources Management Division, DTS-84,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Notification Procedure: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Record Access Procedure: Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

Contesting Record Procedure: An individual may gain access to his records by written request.
Contest of this data will be made to the System Manager.
If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Record Source Categories: Standard Form 50's are the source of the records.

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Wednesday
August 8, 1984

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 25

Fire Protection Requirements for Cargo or Baggage Compartments; Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 24185; Notice No. 84-11]

Fire Protection Requirements for Cargo or Baggage Compartments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to upgrade the fire safety standards for cargo or baggage compartments in transport category airplanes by establishing new fire test criteria and by limiting the volume of Class D compartments. These proposals are the result of research and fire testing and are intended to increase aircraft fire safety.

DATES: Comments must be received on or before October 8, 1984.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 24185, 800 Independence Avenue SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue S.W., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 24185. Comments may be inspected in Room 916 weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. In addition, the FAA is maintaining an information docket of comments in the Office of the Regional Counsel (ANM-7), FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments in the information docket may be inspected in the Office of the Regional Counsel weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Gary L. Killion, Manager, Regulations Branch (ANM-112), Regulations and Policy Office, Aircraft Certification Division, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 431-2112.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of proposals contained in this notice are invited. Substantive comments should be accompanied by cost estimates. Commenters should identify the regulatory docket or notice number and submit comments in duplicate to the Rules Docket address specified above. All comments will be considered by the Administrator before taking action on the proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Rules Docket, both before and after the closing date for comments, for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 24185." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

During the early post-World War II period, it was noted that adequate fire protection for cargo or baggage compartments included the factors of timely detection of the fire by a crewmember while at his station and prompt control of the fire when detected. Because the requirements for detection and extinguishment varied depending on the type and location of the compartment, a classification system was established. Three classes were initially established and defined as follows:

Class A—A compartment in which the presence of a fire would be easily discovered by a crewmember while at his station, all parts of which are easily accessible in flight. This is typically a small compartment used for crew luggage and located in the cockpit where a fire would be readily detected and extinguished by a crewmember. Due to the small size and location of the compartment, and the relatively brief time required to extinguish a fire, a liner is not needed to protect adjacent structure.

Class B—A compartment with sufficient access in flight to enable a crewmember to effectively reach any part of the compartment with the contents of a hand fire extinguisher and that incorporates a separate, approved smoke or fire detection system to give warning at the pilot or flight engineer station. A Class B compartment is typically much larger than a Class A compartment and can be located in an area remote from the cockpit. Because of the larger size of the compartment and the greater time interval likely to occur before a fire would be controlled, a liner meeting the flame penetration standards of § 25.855 and Appendix F of Part 25 must be provided to protect adjacent structure.

Class C—As defined at the time of initial classification, any compartment that did not fall into either Class A or B was a Class C compartment. Class C compartments differ from Class B compartments primarily in that built-in extinguishment systems are provided for control of fires in lieu of crewmember accessibility. The volumes of Class C compartments in currently-used domestic jet transport airplanes range from 735 to 3,045 cubic feet.

Later, two additional classes were established and defined as follows:

Class D—A compartment in which a fire would be completely contained without endangering the safety of the airplane or the occupants. A Class D compartment is similar to a Class C compartment in that both are located in areas that are not readily accessible to a crewmember. In lieu of providing fire detection and extinguishment, Class D compartments are designed to control a fire by severely restricting the supply of available oxygen. Because an oxygen-deprived fire might continue to smolder for the duration of the flight, the capability of the liner to resist flame penetration is especially important. The volumes of Class D compartments in currently used domestic jet transport airplanes range from 227 to 1,632 cubic feet.

Class E—The main cargo compartment of an airplane used only for the carriage of cargo. Means must be provided to shut off the ventilating airflow to or within a Class E compartment. Like that of a Class D compartment, the capability of the liner

to resist flame penetration is especially important.

Liner materials for Class B through E compartments are currently required to pass the forty-five degree test specified in Appendix F of Part 25. Flooring may serve as the bottom liner panel, provided the flooring material can also pass the forty-five degree tests.

No specific volume limits have been established for the various classes of compartments although, as noted above, Class A. Compartments have been envisioned as small, open compartments located in the cockpit area. In addition, the compartment volume and leakage rate are factors that must be considered in determining compliance with the objective requirements of Part 25 for Class D compartments.

Due to accessibility considerations, a compartment located below the main cabin must generally be either a Class C or D compartment. Cabin flooring utilized to protect adjacent structure from fire originating in a cargo or baggage compartment located above the floor cannot also serve as the lining for a compartment located below the floor.

Discussion

The FAA recently conducted a series of tests at its Technical Center to investigate the capability of three liner materials to resist flame penetration under conditions representative of actual cargo or baggage compartment fires. The tests were conducted using simulated Class C and D compartments. Although cargo or baggage is sometimes placed in compartments in pre-loaded containers, the tests were conducted with bulk-loaded unclaimed baggage because cargo or baggage is frequently bulk-loaded directly into the compartments in actual service. In conjunction with these tests, the FAA developed a method of testing liner materials utilizing a 2 gallons-per-hour kerosene burner. The materials tested—fiberglass, Kevlar and Nomex—comprise the primary liner materials currently used in domestic jet transport airplanes.

As a result of the tests, it was found that a fire could rapidly burn through Nomex or Kevlar under representative conditions. In addition to the fire hazards associated with the intitial flame penetration, further suppression of the oxygen in the compartment would be hindered. This, in turn, could result in a fire of increased intensity. It was, therefore, concluded that improved standards are warranted for the sidewall and ceiling liner panels of all classes of cargo or baggage compartments that depend on liners for fire control. The new test methods proposed in this Notice, which are based on the test methodology developed at the FAA Technical Center, would provide such improved standards.

Considering probable flame path, the FAA has determined that it is not necessary for the materials used for bottom liner panels to meet the improved standards that would be required for other panels which might be exposed to direct flame impingement. Accordingly, bottom panel materials would only have to meet the forty-five degree test currently specified for all liner materials. Should any further testing or service experience indicate that improved standards are warranted for bottom liner panels, such standards would be proposed in a subsequent NPRM.

The tests conducted at the FAA Technical Center indicated that the intensity of a fire in a Class D compartment is dependent on compartment volume as well as the sum of compartment volume and the volume of leakage in a given period of time. In this regard, it was found that the intensity of a fire in a larger Class D compartment is much greater due to the total amount of oxygen available in compartments larger than approximately 1,000 cubic feet and beyond the capability of the liner to resist flame penetration. Accordingly, it is proposed in this Notice to limit the volume of a Class D compartment to a maximum of 1,000 cubic feet.

Economic Analysis and Regulatory Evaluation

I. Cost Benefit Analysis

A. Costs

The costs of the two rule changes proposed in this Notice would result primarily from the additional fuel consumed by the affected airplanes which, in turn, would result from the slight increases in airplane weight necessary to comply with the new standards. The airplanes that would be affected are those newly designed transport airplanes for which an application for type certificate is made on or after the effective date of the proposed rule changes. The precise number of airplanes that would be affected cannot be accurately predicted due to uncertainties in the number of future airplane designs and the number of airplanes of each design that will be produced. The costs of the proposed rule changes have therefore been estimated based on a cost comparison per airplane basis (unit basis) rather than a total cost impact basis.

According to data compiled recently by the National Aeronautics and Space Administration (NASA), each additional pound of weight added to a transport airplane would result in an average additional fuel consumption of about 0.006 gallon per airplane per hour. At an estimated fuel cost of $1.00 per gallon, each additional pound of weight added would therefore cost $0.006 per hour (or $15.00 per airplane per year based on an average yearly utilization of 2,500 hours).

Currently, fiberglass is the only material considered feasible for use as sidewall and ceiling panels of cargo or baggage compartments that is known to meet the more stringent flame penetration standards proposed in this Notice. This material is somewhat heavier that Kevlar or Nomex, the other two liner materials currently used in transport airplanes. According to data compiled by the FAA, Boeing achieved a weight savings of approximately 150 pounds in each Model 767 airplane by using Kevlar instead of fiberglass for the sidewall and ceiling panels. Because the Model 767 falls approximately in the middle of the size range of existing transport airplanes, the FAA has assumed for the purpose of this analysis that a typical affected transport airplane would incur an average weight penalty of approximately 150 pounds due to the need to use fiberglass liner materials in lieu of lighter alternatives, such as Kevlar or Nomex. This, of course, is based on the further assumption that no new light weight materials are developed which would meet the higher flame penetration standard; therefore, based on the assumed cost of $0.006 per pound of weight added, the weight penalty attributable to the more stringent flame penetration standards proposed in this Notice would cost approximately $0.90 per hour (or $2,250 per airplane per year).

Cargo or baggage compartments larger than 1,000 cubic feet in volume may currently be designed as Class C compartments with smoke or fire detection and fire extinguishment systems, or as Class D compartments. As proposed in this Notice, compartments of this size in affected airplanes would have to be designed as Class C compartments. The FAA estimates that an average weight penalty of 150 pounds per affected airplane would result from the installation of smoke or fire detection and extinguishment systems in the Class C compartments that, in the absence of this rule change, would have been designed as Class D compartments. Based on the assumed cost of $0.006 per pound per hour, the weight penalty attributable to this provision of the

Notice would cost approximately $0.09 per hour per airplane per year (or a total additional cost of $1.80 per hour to comply with both provisions of this Notice). It must be noted, however, that relatively few existing transport airplanes have Class D compartments which are larger than 1,000 cubic feet in volume. The maximum volume of a Class D compartment ranges to as much as 1,003 cubic feet for the McDonnell Douglas DC–8; 1,585 cubic feet for the McDonnell Douglas DC–10; and 1,632 cubic feet for the Lockheed L–1011. There are currently no other airplanes in domestic use with Class D compartments that exceed 1,000 cubic feet in volume; therefore, assuming no major change in the size distribution of transport airplanes, a relatively small proportion of airplanes type certificated in the future is expected to be affected by the reduction in the maximum allowable volume of a Class D compartment to 1,000 cubic feet.

B. Benefits

The potential benefits of these proposals consist primarily of the avoided casualty costs which would have resulted from those aircraft fires which are expected to be prevented by the provisions of this Notice. Quantifying these benefits is somewhat difficult because most transport airplanes currently in service have liners constructed of fiberglass materials which meet the proposed higher standards and because relatively few have Class D compartments larger than 1,000 cubic feet in volume. (Test data suggest, however, that the hazard associated with Class D compartment that is larger than 1,000 cubic feet in volume is similar to that with liner materials which do not meet the proposed flame penetration standards.)

Of the three major transport airplane models currently in service with liner materials that do not meet the proposed flame penetration standards, only one has been in service for an extended period of time. This is the Lockheed Model L–1011 which uses Nomex as the liner material in its cargo and baggage compartments. The Model L–1011 has experienced one catastrophic fire, possibly related to the cargo compartment, in approximately 4.4 million total flight hours accumulated in worldwide operations since airplanes of this model entered service in 1972. (The specific origin or cause of this fire is the subject of considerable dispute. Indeed, litigation on the very issue is presently pending in the U.S. District Court for the Central District of California. For the limited purposes of this document, however, it will be assumed that the subject fire originated in the cargo compartment.) Using these assumptions, the limited service experience with the Model L–1011 suggests the possibility of a maximum rate of one catastrophic accident every 4.4 million hours for airplanes which do not comply with the proposals of this Notice. Using this rate (which is an extremely pessimistic assumption due to the limited data base from which it was derived), a newly type certificated airplane model with a production run of 1,000 airplanes and an average life of 60,000 hours per airplane (yielding a total exposure of 60 million flight hours for all airplanes produced under that type certificate), could be expected to experience a maximum of 13.6 cargo compartment fire accidents during its operational life.

A typical future accident might involve the loss of 100 persons and the airplane, resulting in total accident costs of $85 million. This is based upon a standard value of $650,000 per statistical fatality prevented (adjusted to 1983 dollars) as prescribed in *Economic Values for Evaluation of Federal Aviation Administration Investment and Regulatory Programs*, FAA Office of Aviation Policy and Plans, September 1981 (Report #FAA–APO–81–3), and an airplane value of $20 million. Airplanes which have recently received new type certificates sell for about $30 to $40 million each; therefore, $20 million is assumed to be a reasonable estimate for the price of a typical used airplane of the future. The cost of 13.6 cargo compartment fire accidents would be $1.2 billion, yielding an average of slightly more than $19 per hour over the 60 million total lifetime operating hours projected for all airplanes produced under one type certificate.

C. Comparison of Costs and Benefits

Using the typical $85 million accident scenario described above, less than one accident would have to be prevented during the 60 million hour service life of an affected airplane model for the average benefit to equal the average $0.90 per hour cost of the proposal to improve the flame resistance standards for liner materials. For those airplane models affected by the volume constraint on Class D cargo compartments, which would incur an additional cost of $0.90 per hour as a result of the weight of the detector and extinguisher systems, only 1.3 accidents would have to be prevented during the entire service life of the model for the average benefit to break even with the average cost of the proposal. This break-even accident rate, for an airplane model incurring the higher expected compliance costs, is still less than 10 percent of the 13.6 accidents which would be expected at the worst possible accident rate projected from the limited experience of an existing airplane model not in compliance with the proposals. It is reasonable to expect that in the absence of this rule change, an affected airplane model would experience between 1.3 and 13.6 major cargo compartment fire accidents (i.e., an accident rate somewhere between the relatively low break-even accident rate and the relatively high maximum accident rate) during the total operating experience of all airplanes produced under that type certificate, resulting in average costs which exceed the average cost (for all affected airplanes, including those affected by the volume constraint) of complying with this proposal. It is, therefore, expected that the changes associated with this rulemaking proposal would be cost-beneficial.

II. International Trade Impact Analysis

The proposal would have little or no impact on trade for both U.S. firms doing business in foreign countries and foreign firms doing business in the U.S. In the U.S., foreign manufacturers would have to meet U.S. requirements, and thus they would gain no competitive advantage. In foreign countries, foreign manufacturers could have some minor cost advantage if the foreign country did not require the improved design standards, but because the cost would be negligible compared to the new airplane cost there would be essentially no impact.

III. Regulatory Flexibility Act Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The RFA requires agencies to review rules which may have a "significant economic impact on a substantial number of small entities."

The two Part 25 rule changes covered by the proposal would have no direct impact on small entities. FAA Order 2100.14, *Regulatory Flexibility Criteria and Guidance* (dated July 15, 1983), prescribes a standard for aircraft manufacturers which classifies a small entity as one with 75 or fewer employees. Only five firms in the U.S. (Boeing, Cessna, Gates Lear Jet, Lockheed and McDonnell Douglas) have manufactured large transport category airplanes and certificated them under Part 25 of the FAR. The smallest of the five manufacturers is Gates Lear Jet, with 6,500 employees. Thus, it is clear

that those regulated today by Part 25 are large entities.

List of Subjects in 14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety, Tires.

The Proposed Amendment

Accordingly, the FAA proposes to amend Part 25 of the Federal Aviation Regulations (FAR), 14 CFR Part 25, as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. By revising § 25.855, paragraph (a–1), to read as follows:

§ 25.855 Cargo and baggage compartments.

* * * * *

(a–1) Class B through Class E cargo or baggage compartments, as defined in § 25.857, must have a liner and the liner must be constructed of materials that meet at least the requirements set forth in § 25.853(b), must be separate from (but may be attached to) the airplane structure, and must be tested as follows:

(1) Ceiling and sidewall panels must meet the test requirements of Part II of Appendix F of this Part or other approved equivalent methods.

(2) Bottom panels must be tested at a 45° angle in accordance with the applicable portions of Appendix F of this Part or other approved equivalent methods. In the course of the 45° angle test, the flame may not penetrate (pass through) the material during application of the flame or subsequent to its removal, the average flame time after removal of the flame source may not exceed 15 seconds, and the average glow time may not exceed 10 seconds.

* * * * *

2. By amending § 25.857 by adding a new paragraph (d)(6) to read as follows:

§ 25.857 Cargo compartment classification.

* * * * *

(d) * * *

(6) The compartment volume does not exceed 1,000 cubic feet.

* * * * *

3. By amending Appendix F by revising the introductory paragraph designate it as Part I to read as follows:

Appendix F to Part 25

Part I.—An Acceptable Test Procedure for Showing Compliance With §§ 25.853, 25.855, and 25.1359

* * * * *

4. By amending Appendix F by adding a new Part II to read as follows:

* * * * *

Part II.—Test Method to Determine Flame Penetration Resistance of Cargo or Baggage Compartment Liners

(a) *Criteria for Acceptance.* (1) At least three sets of cargo or baggage compartment sidewall and ceiling panel specimens must be tested.

(2) Each specimen set tested must simulate the cargo or baggage compartment sidewall and ceiling panel for which the testing is performed.

(3) There must be no flame penetration of any specimen within 5 minutes after application of the flame source, and peak temperatures measured at 4 inches above the upper surface of a horizontal test sample must not exceed 400° F. The average flame time after removal of the flame source must not exceed 15 seconds, and the average glow time must not exceed 10 seconds.

(b) *Summary of Method.* This method provides a laboratory test procedure for measuring the capability of cargo or baggage compartment lining materials to resist flame penetration with a 2 gallon per hour kerosene burner fire source. A simulated cargo or baggage compartment sidewall and ceiling panel mock-up must be tested simultaneously (see Figure 1).

(c) *Test Specimens.* (1) The specimens to be tested must be two sections measuring 16 inches (406 mm) by 25 inches (635 mm).

(2) The specimens must be conditioned at 70° F. plus or minus 5° (21° C. plus or minus 2°) for at least 24 hours before testing.

(d) *Test Apparatus.* The arrangement of the test apparatus is shown in Figures 1 through 4 and must include the components described in this section. Minor details of the apparatus may vary, depending on the model of the burner used.

(1) *Specimen Mounting Stand.* The mounting stand for the test specimens consists of steel angles as shown in Figure 1.

(2) *Test Burner.* (i) The burner to be used in testing must—

(A) Be a modified gun type;

(B) Have an 80° spray angle nozzle nominally rated for 2.25 gallons per hour;

(C) Have a 12-inch (305 mm) burner extension installed at the end of the draft tube, with an opening 6 inches (152 mm) high and 12 inches (280 mm) wide, as shown in Figure 2; and

(D) Have a burner fuel pressure regulator that is adjusted to an operating gage pressure of 85 pounds per square inch for a 2.25 gallon per hour nominally rated 80° nozzle, delivering the 2.03 gallons per hour kerosene required for the test.

(ii) Burner models which have been used successfully in testing are the Lennox Model OB–32, Carlin Model 200 CRD, and Park Model DPL. The basic burner is described in FAA Powerplant Engineering Report No. 3A, Standard Fire Test Apparatus and Procedure for Flexible Hose Assemblies, dated March 1978; however, the test settings specified in this Appendix differ, in some instances from those specified in the report.

(3) *Calorimeter.* (i) The calorimeter to be used in testing must be a 0 to 15.0 Btu per ft^2-sec. (0–17.0 Watts/cm^2) calorimeter mounted in a 6 by 12 inch (152 by 305 mm) by ¾ inch (19 mm) thick insulating block which is attached to a steel angle bracket for placement in the test stand during burner calibration, as shown in Figure 3.

(ii) Because crumbling of the insulating block with service can result in misalignment of the calorimeter, the calorimeter must be monitored and the mounting shimmed, as necessary, to ensure that the calorimeter face is in a plane parallel to the exit of the test burner cone.

(4) *Thermocouples.* The seven thermocouples to be used for testing must be 1/16-inch, ceramic sheathed, type K, grounded thermocouples with a nominal 30 American wire gage (AWG)-size conductor. The seven thermocouples must be attached to a steel angle bracket to form a thermocouple rake for placement in the test stand during burner calibration, as shown in Figure 4.

(5) *Apparatus Arrangement.* The test burner must be mounted on a suitable stand to position the exit of the burner cone a distance of 8 inches from the ceiling panel and 2 inches from the sidewall panel. The burner stand should have the capability of allowing the burner to be swung away from the specimen set or otherwise allow burner warm-up, stabilization and calibration prior to application of flame to the specimen set.

(6) *Instrumentation.* A recording potentiometer or other suitable instrument with an appropriate range must be used to measure and record the outputs of the calorimeter and the thermocouples.

(7) *Timing Device.* A stopwatch or other device must be used to measure the time from application of the burner flame to flame penetration.

(e) *Preparation of Apparatus.* Before calibration, all equipment must be turned on and allowed to stabilize, and the burner fuel must be adjusted as specified in paragraph (d)(2).

(f) *Calibration.* To ensure the proper thermal output of the burner, the following test must be made:

(1) Place the thermocouple rake on the test stand as shown in Figure 4 at a distance of 8 inches (203 mm) from the exit of the burner cone to simulate the position of the test specimen set.

(2) Turn on the burner, allow it to run for 2 minutes for warmup, and adjust the burner air intake damper to produce a minimum temperature of 1700° F. (927° C.) on all thermocouples. Turn off the burner.

(3) Replace the thermocouple rake with the calorimeter (see Figure 3).

(4) Turn on the burner and ensure that the calorimeter is reading a minimum of 8.0 Btu per ft^2-sec. (9.12 Watts/cm^2). If the calorimeter does not read this, repeat steps in paragraphs (1) through (4) and adjust the burner air intake damper until the proper calorimeter reading is obtained.

(5) Turn off the burner and remove the calorimeter.

(g) *Test Procedure.*

(1) Mount the thermocouple rake at a distance of 4 inches (102 mm) above the horizontal (ceiling) test specimen. The center thermocouple should be centered over the burner cone.

(2) Mount the test specimens on the test stand shown in Figure 1.

(3) When ready to begin the test, turn on the burner and allow it to stabilize. Simultaneously, rotate the burner to apply the flame to the specimens and start the timing device.

(4) Expose the test specimens to the flame for 5 minutes or until flame penetration is observed and turn off the burner.

(5) Record peak temperature measured with a thermocouple rake.

(6) Record flame penetration or that no penetration has occurred.

(h) *Test Report.* The test report must include the following:

(1) A complete description of the materials tested including type, manufacturer, thickness or other appropriate dimensions, weight or density, etc.

(2) Observations of the behavior of the test specimens during test exposure, such as flame penetration, delamination of specimen, etc., including the time of such occurrence.

(3) The time for flame penetration, if any, for each of the three specimen sets tested (5 minutes or more for successful completion of the test).

(4) The peak temperature measured with the center thermocouple of the thermocouple rake for each of the three specimen sets tested.

(5) The average flame time after removal of the flame source and the average glow time.

(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); and 14 CFR 11.45.)

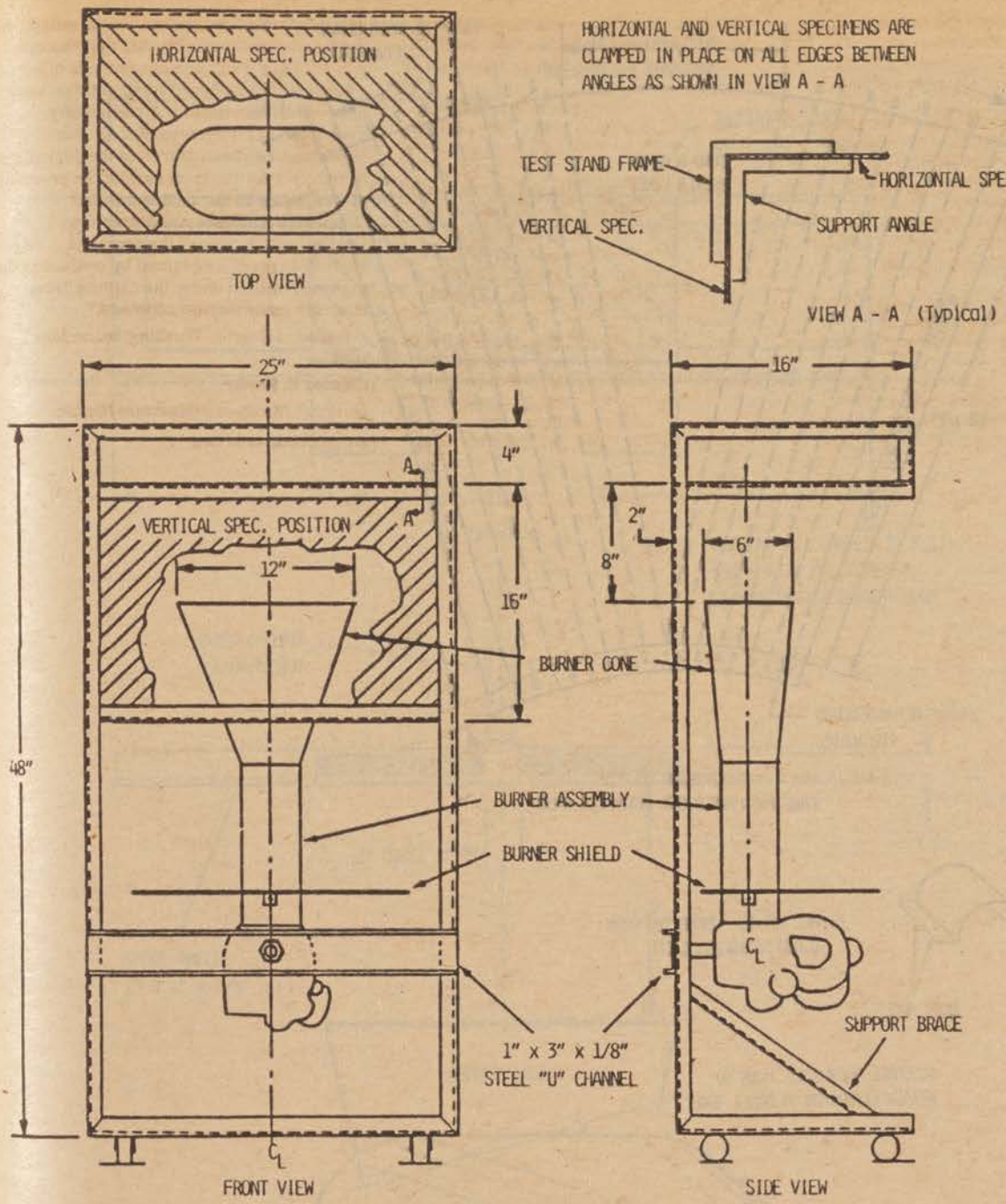
Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, since none would be affected. A preliminary evaluation has been prepared for this regulation, has been placed in the docket, and is included, for the most part, in the preamble of this Notice in the section entitled "Economic Analysis and Regulatory Evaluation." A copy of the complete evaluation may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington, on May 7, 1984.

Charles R. Foster,

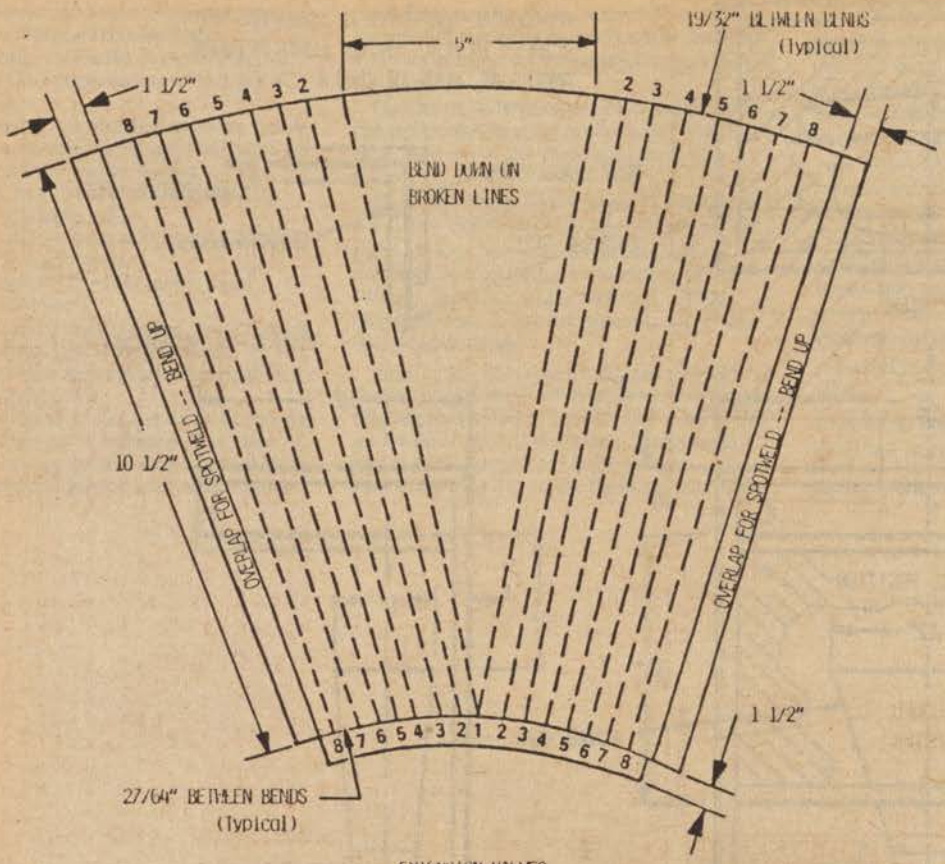
Director, Northwest Mountain Region.

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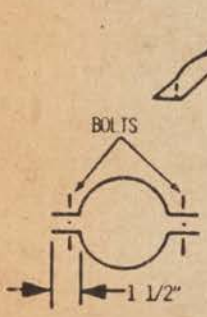


TEST STAND IS CONSTRUCTED WITH 1" x 1" x 1/8" STEEL ANGLES, ALL JOINTS WELDED
SUPPORT ANGLES ARE 1" x 1" x 1/8" CUT TO FIT

FIGURE 1. TEST APPARATUS FOR HORIZONTAL AND VERTICAL MOUNTING

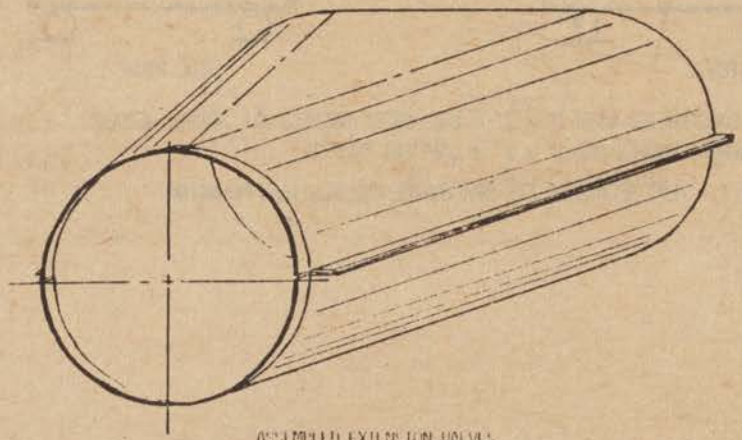


EXTENSION HALVES
MAKE TWO FROM 0.050 STAINLESS STEEL



FLANGE HALVES - MAKE TWO FROM
0.050 STAINLESS STEEL.

ASSEMBLE HALVES AS SHOWN TO
ATTACH EXTENSION TO DRAFT TUBE



ASSEMBLED EXTENSION HALVES

FIGURE 2. DRAFT TUBE EXTENSION

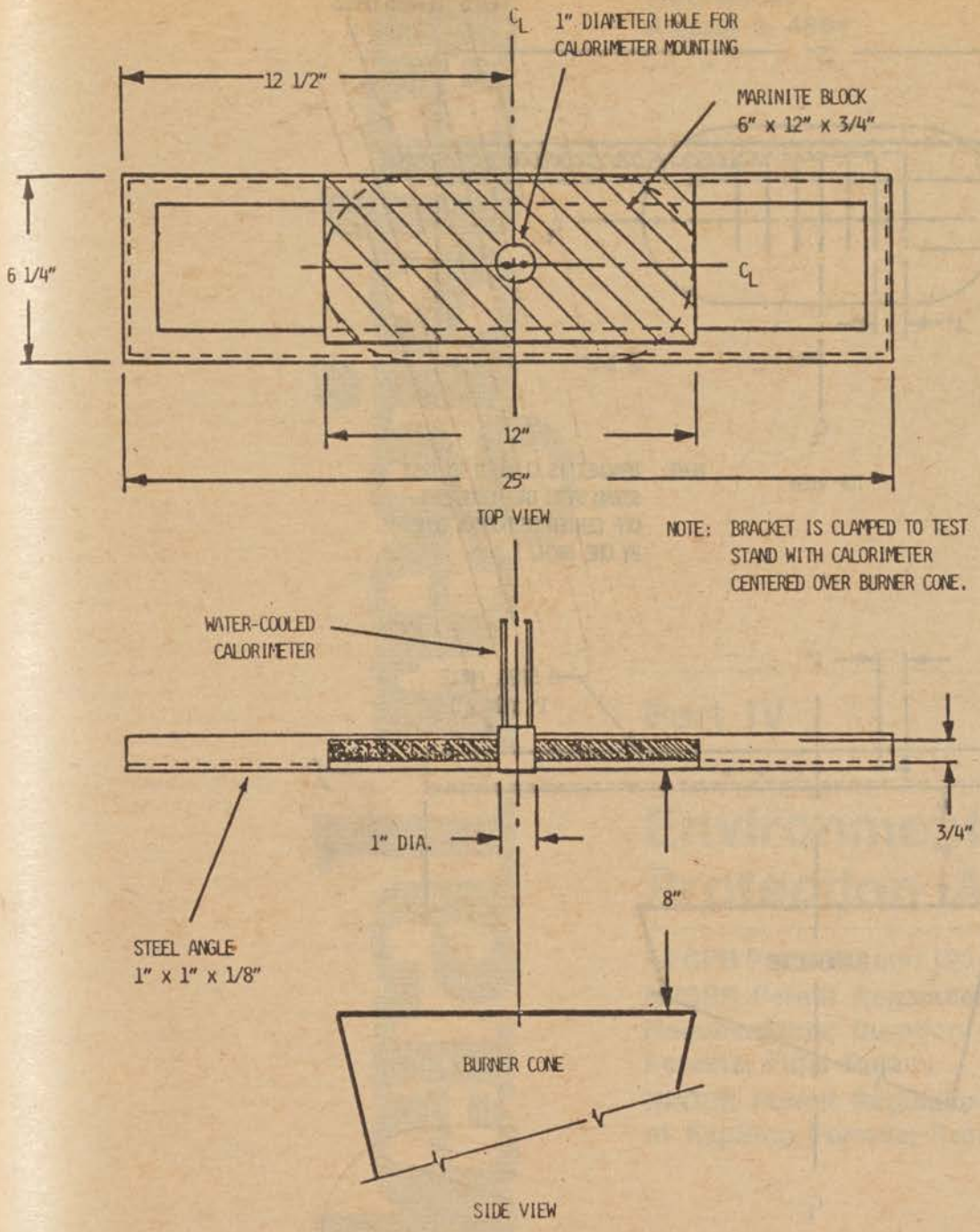
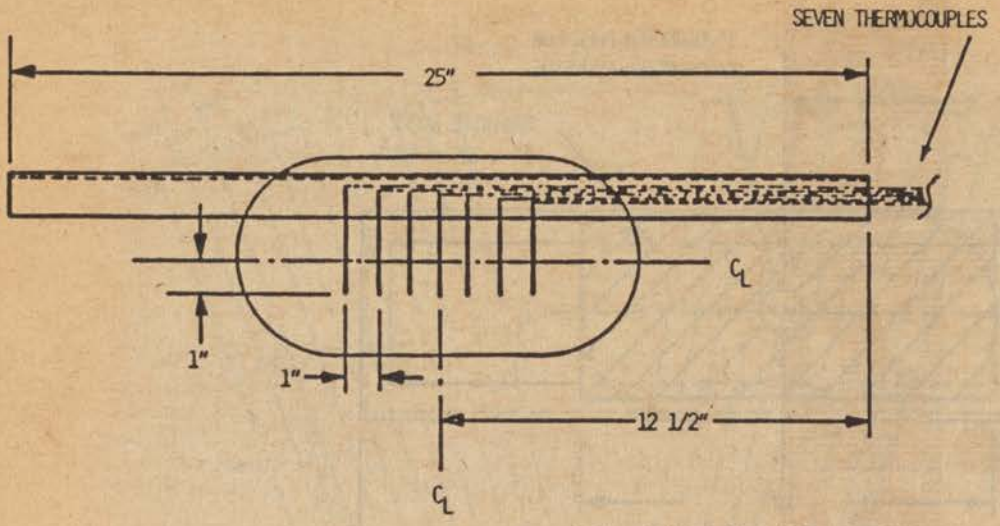
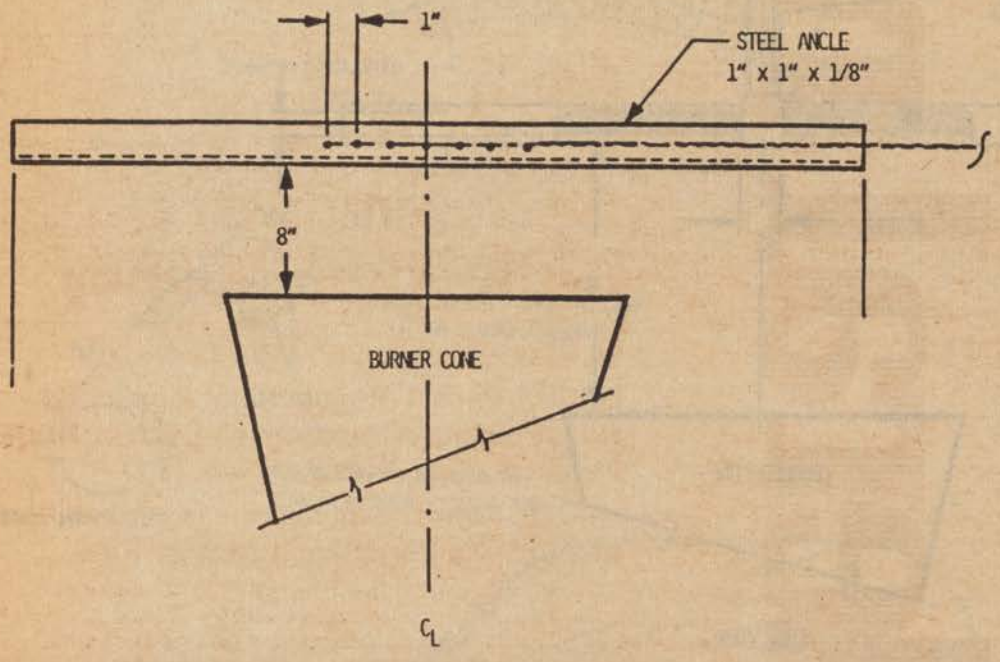


FIGURE 3. CALORIMETER BRACKET



TOP VIEW

NOTE: BRACKET IS CLAMPED TO TEST STAND WITH THERMOCOUPLES OFF CENTER OF BURNER CONE BY ONE INCH.



SIDE VIEW

FIGURE 4. THERMOCOUPLE RAKE BRACKET

[FR Doc. 84-20936 Filed 8-3-84; 10:02 am]
BILLING CODE 4910-13-C

federal register

Wednesday
August 8, 1984

Part IV

Environmental Protection Agency

40 CFR Parts 122 and 123

NPDES Permit Regulations; Application Requirements; Duration of Certain NPDES Permits; Final Rule

NPDES Permit Regulations; Continuation of Expiring Permits; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 123

[EN FRL 2593-8]

NPDES Permit Regulations; Application Requirements; Duration of Certain NPDES Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule eliminates the current (June 30, 1981) deadline for submission of certain types of effluent data by industrial dischargers and gives the Director of the NPDES program the authority to set a submission date for each individual discharger on a case-by-case basis. Specifically, this final rule provides that an NPDES applicant need not provide sampling and analysis data for its effluent on Form 2c (Application for Permit to Discharge Wastewater from Existing Manufacturing, Commercial, Mining and Silvicultural Operations) until the Director requests such information to draft a permit. This will assure that effluent data is current since second round permit issuance will extend over several years.

The rule also eliminates the regulatory deadline (June 30, 1981) as the date by which all permits must expire which are based solely upon best practicable control technology currently available (BPT) and after which no more such BPT permits may be issued. The purpose of the BPT deadline was to allow time for installation of treatment equipment to achieve compliance with best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) by the statutory deadline of July 1, 1984. It is now this statutory deadline which controls the permitting process. Accordingly, any permit issued after June 30, 1984 must require immediate compliance with BAT/BCT limitations.

EFFECTIVE DATE: August 8, 1984.

FOR FURTHER INFORMATION CONTACT: Tom Laverty (202/426-7010), Office of Water Enforcement and Permits (EN-336), Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: Current regulations require that existing industrial dischargers include in their applications for permit renewal, quantitative and qualitative data for certain pollutants discharged, used or produced. 40 CFR 122.21(d) (7), (9), and (10). These regulations further require that all permits issued after June 30, 1981, to facilities listed in the NPDES primary industry categories contain effluent limitations reflecting BAT/BCT. Similarly, they require that any such permit which expires after June 30, 1981 include BAT/BCT limitations.

On July 15, 1981, EPA published two notices in the **Federal Register** regarding these requirements. (See 46 FR 36703, 36719.) In the first notice EPA suspended the requirement that effluent testing data be submitted no later than June 30, 1981 (or, in some cases, the permit expiration date) by certain applicants for renewal of NPDES permits. (See 40 CFR 122.21(d)). In the second notice the Agency proposed a change in the requirement for primary industry dischargers that all NPDES permits issued or expiring after June 30, 1981, include effluent limitations necessary to meet the Clean Water Act's BAT/BCT deadline of July 1, 1984. (See 40 CFR 122.44 and 122.46.) Under this proposal, a date of December 31, 1982, would have replaced the date of June 30, 1981.

I. Proposed Extension of Deadline for Submission of Effluent Data

In the preamble of the proposed rule, the Agency advanced two reasons for extension of the deadline for submission of effluent data by NPDES permit applicants. One reason was to allow applicants to adjust to changes in application testing requirements published in the **Federal Register** in January, April, and July 1981. (See 46 FR 2045, Jan. 8, 1981; 46 FR 22584, Apr. 20, 1981; 46 FR 35090, July 7, 1981.) As explained in those notices, the Agency would continue to evaluate new and existing data to determine whether additional changes were justified. Any further changes would be announced in the **Federal Register**. The second reason was to provide relief to applicants having difficulty performing the required sampling and analysis because of local shortages in laboratory testing capacity.

The Agency received a wide range of comments on its proposed change in the deadline. Several laboratories said that the extension was unnecessary because there is more than adequate laboratory capacity to satisfy the needs of NPDES applicants for sampling and analysis of effluents. One commenter supported the extension to September 30, 1981. Several commenters stated that the September date would be inadequate, with one commenter suggesting October 31, 1981, as an alternative and another urging December 31, 1981. Another group of commenters noted that the Agency and several other parties were engaged, at that time, in negotiations for settlement of the litigation on the Consolidated Permit Regulations (*NRDC* v. *EPA*, No. 80-1607 and consolidated cases (D.C. Cir. 1980)). These commenters recommended a postponement of the deadline for submission of effluent data until some time after promulgation of any changes in the testing requirements made as part of the settlement of this litigation.

At this point in time, however, both the proposed new deadlines and the alternative dates suggested by several commenters have now passed. Accordingly, the Agency has concluded that elimination of the specific deadline is the best approach. The specific deadline is replaced with a provision granting discretion to NPDES Directors to set dates for submission of the effluent data on a case-by-case basis. Whereas permittees ordinarily will be expected to submit their complete applications 180 days before expiration of their existing permits, the Director may grant permission to submit effluent testing data later than the permit expiration date. This change will ensure that the effluent data provided by applicants are current. It will also allow Directors to respond, where appropriate, to local shortages of laboratory capacity and to any changes in testing requirements that may result from the settlement of the NPDES portion of the Consolidated Permit Regulations litigation. Changes in these testing requirements were proposed on November 18, 1982 (47 FR 52072), in accordance with the settlement agreement in this litigation, and final rules are expected to be promulgated by EPA in 1984.

Today's final rule also eliminates the current requirement that an applicant submit a written request for the extension of the deadline. Applicants for NPDES permits, however, can make written, rather than oral, requests for extensions and they may request written confirmation of approval of the request from the permitting authority.

It should be noted that today's final rule supersedes the chart published on May 19, 1980 under § 122.53(c)(2), now numbered § 122.21(d).

In light of today's changes to § 122.21(d), today's rule also changes the language of § 123.21(e). Section 123.62(e) requires NPDES States to assure that permit applicants submit the information required by §§ 122.21(f) and 122.21 (g) or (h), as appropriate, as part of their application. As the preamble for § 123.62(e) indicated, the required information could be submitted without the use of a form or by using Consolidated Permit Application Forms 1, 2b, and 2c until the State developed its own forms. The language in § 123.62(e) has been revised solely to make it clear that the Director in an

approved State may allow a delay in the submission of the information required by § 122.21(g) (7), (9), and (10) beyond the permit expiration date. This change will provide applicants in NPDES States with the same opportunity as applicants in non-NPDES States to respond to changes in the information requirements.

Due to changes in §§ 122.21(d) and 123.62(e), EPA is proposing elsewhere in today's **Federal Register**, a revision to the language of 40 CFR 122.6 to clarify the effect of today's final rule on an applicant's obligation to submit an application sufficient to continue the effectiveness of its existing permit under the Administrative Procedure Act (5 U.S.C. 558(c)) pending EPA action on reissuance.

II. Change in Deadline for Issuance of BPT Permits

In the notice of July 15, 1981 (46 FR 36720), the Agency also proposed an extension of the deadline for issuance of BPT permits to dischargers in a primary industry category. This would have allowed permits based solely upon BPT to be issued for a longer period of time and would have extended the date after which all permits issued or expiring must be based on BAT/BCT requirements. The proposed change would have substituted a deadline of December 31, 1982, for the current deadline of June 30, 1981. As the Agency noted in the proposal, the purpose of the change was to provide permitting authorities with greater flexibility in issuing permits designed to meet the 1984 CWA deadline.

The commenters generally approved the proposed change to December 31, 1982. One commenter stated that an extension to December 31, 1983, would be more appropriate because it would allow more time for promulgation of effluent limitations guidelines, which in turn could be used by permit writers in developing BAT permits. Several commenters were concerned that the proposed change in the BPT deadline might create problems in meeting the CWA deadline of July 1, 1984, for compliance with BAT/BCT requirements.

Again, in light of the delay in promulgating a final rule, both the proposed deadline and the commenter's suggested alternative are now outdated. In fact, the statutory deadline for BAT/BCT compliance (July 1, 1984) has now passed. Accordingly, today's final rule simply eliminates the BPT permit deadline. The issuance of permits based solely upon BCT is now controlled by the statutory deadline for compliance with BAT/BCT effluent limitations set forth in section 301(b)(2) (A), (C), (E), and (F). (Of course, this regulation would not prevent use of extended compliance schedules in those limited circumstances authorized by section 301(b)(2) (D) and (F).)

It is intended that the compliance deadline specified in §§ 122.44 and 122.46 coincide with the statutory BAT/BCT deadline. Thus, should Congress extend the BAT/BCT compliance deadline, the new statutory deadline would control under this regulation. The date of July 1, 1984, is specified in the regulation, in addition to the general requirement for compliance with the relevant statutory deadline, because it is the current deadline. The Agency has determined that the concept of not requiring compliance before the statutory deadline would allow permitting authorities greater flexibility to establish the appropriate permitting priorities to coordinate permit issuance with the receipt of current effluent data.

III. Other Issues Raised in Comments on Proposal

The Agency received a number of other comments that did not directly concern the changes in the data submission deadline and the BPT deadline. One commenter requested clarification of the suspension of the requirements of § 122.21(g)(7) for the steam electric industrial category (July 7, 1981, 46 FR 35090) as it applies to once-through cooling water. The Agency agrees with the comment that once-through cooling water should not be considered a process wastestream for the purpose of the testing requirements of the NPDES application form unless it fits the definition of the term "once through cooling water" given in 40 CFR 423.11(g). "Water passed through the main cooling condensers in one or two passes for the purpose of removing waste heat" is regulated as a process wastestream for NPDES purposes.

On commenter requested guidance on how to submit data from sampling and analysis of effluents when a facility is not operating for more than 180 days immediately before the date of permit expiration. Agency experience indicates that this situation is infrequent. The Agency has concluded that such situations should be handled on a case-by-case basis at the Regional or State level, rather than through a regulatory change.

Another commenter suggested deletion of the reopener clause requirement in § 122.44 as it applies to permits issued before July 1, 1981. The Agency has concluded that such a deletion would be inappropriate. The deletion of the requirement and any subsequent modification of permits would create a significant administrative burden without corresponding benefit. In addition, the use of these reopener clauses is consistent with the Agency's current efforts to promulgate BAT and BCT effluent limitations guidelines and to ensure that the issuance of second round NPDES permits is coordinated with this effort.

IV. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation imposes no additional costs because it will enable industrial applicants to obtain extensions for submission of required information and will provide permit writers greater flexibility in issuing BAT/BCT permits. In addition, the regulation meets none of the other criteria established in the Executive Order. For these reasons, it is not a "Major" action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB and any EPA response to those comments are available for public inspection at EPA, Room 3220, 401 M Street SW., Washington, D.C. 20460.

V. Regulatory Flexibility Act

EPA also has determined, pursuant to the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities. To the extent that small businesses are affected by the NPDES application and permit requirements of the NPDES Permit Regulations, this amendment either will leave unchanged or will lessen the economic burden on them.

VI. Effective Date

The amendments of specific parts of 40 CFR Part 122 as described below are effective immediately. Ordinarily, EPA would publish a final rule at least 30 days before its effective date, in accordance with section 553(d) of the Administrative Procedure Act (APA). However, because these amendments provide relief from substantive requirements of Part 122, the Agency has concluded that these amendments should be made effective immediately, pursuant to section 553(d)(1) of the APA.

Authority: This final rule is issued under the authority of the Clean Water Act, 33 U.S.C. sections 1251 *et seq.*

List of Subjects in 40 CFR Parts 122 and 123

Administrative practice and procedure, Air pollution control, Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Confidential business information.

Dated: July 31, 1984.

William D. Ruckelshaus,

Administrator.

PART 122—[AMENDED]

Accordingly, 40 CFR Parts 122 and 123 are amended as set forth below.

1. 40 CFR 122.21(d)(2) is revised and § 122.21(d)(3) is added to read as follows:

§ 122.21 Application for a permit (applicable to State programs, see § 123.25).

* * * * *

(d) * * *

(2) All other permittees with currently effective permits shall submit a new application 180 days before the existing permit expires, except that:

(i) The Regional Administrator may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date; and

(ii) The Regional Administrator may grant permission to submit the information required by paragraphs (g) (7), (9), and (10) of this section after the permit expiration date.

(3) All applicants for EPA-issued permits, other than POTWs and new sources, must complete Forms 1 and either 2b or 2c of the consolidated permit application forms to apply under section 122.21 and paragraphs (f), (g), and (h) of this section.

2. In section 122.44, paragraph (c)(2) is revised to read as follows:

§ 122.44 EPA review of and objections to State permits.

(c) * * *

(2) On or after the statutory deadline set forth in sections 301(b)(2) (A), (C), and (E) of CWA, any permit issued shall include effluent limitations to meet the requirements of sections 301(b)(2) (A), (C), (D), (E), (F), whether or not applicable effluent limitations guidelines have been promulgated or approved. These permits need not incorporate the clause required by paragraph (c)(1) of this section.

3. In section 122.46, paragraph (d) is removed and existing paragraphs (e) and (f) are redesignated as (d) and (e) and revised to read as follows:

§ 122.46 Duration of permits (applicable to State programs, see § 123.25).

* * * * *

(d) A permit may be issued to expire on or after the statutory deadline set forth in section 301(b)(2) (A), (C), and (E) (July 1, 1984), if the permit includes effluent limitations to meet the requirements of sections 301(b)(2) (A), (C), (D), (E), and (F), whether or not applicable effluent limitations guidelines have been promulgated or approved.

(e) A determination that a particular discharger falls within a given industrial category for purposes of setting a permit expiration date under paragraph (d) of this section is not conclusive as to the discharger's inclusion in that industrial category for any other purposes, and does not prejudice any rights to challenge or change that inclusion at the time that a permit based on that determination is formulated.

PART 123—[AMENDED]

4. 40 CFR section 123.62(e) is revised to read as follows:

§ 123.62 Procedure for revision of State programs.

* * * * *

(e) State NPDES programs only. All new programs must comply with these regulations immediately upon approval. Any approved State section 402 permit program which requires revision to conform to this Part shall be so revised within one year of the date of promulgation of these regulations, unless a State must amend or enact a statute in order to make the required revision in which case such revision shall take place within 2 years, except that revision of State programs to implement the requirements of 40 CFR Part 403 (pretreatment) shall be accomplished as provided in 40 CFR 403.10. In addition, approved States shall submit, within 6 months, copies of their permit forms for EPA review and approval. Approved States shall also assure that permit applicants, other than POTWs, submit, as part of their application, the information required under §§ 124.4(d) and 122.21 (g) or (h), as appropriate. The Director in approved States may allow permit applicants to submit the information required by § 122.21(g) (7), (9), and (10) later than the permit expiration date.

[FR Doc. 84-20874 Filed 8-7-84; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[EN-FRL; OW-FRL-2649-4]

NPDES Permit Regulations; Continuation of Expiring Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This rulemaking proposes to revise 40 CFR 122.6 to clarify the requirements for submission of a renewal application with which applicants for a National Pollutant Discharge Elimination System (NPDES) permit under section 402 of the Clean Water Act must comply in order to continue the effectiveness of their existing NPDES permit pending EPA action on reissuance.

DATE: EPA will accept public comment on this proposal until September 7, 1984.

ADDRESSES: Interested persons may participate in the rulmaking by submitting written comments to Tom Laverty, Office of Water Enforcement and permits (EN-336) Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Tom Laverty (202/426-7010) Office of Water Enforcement and Permits (EN-336), 401 M Street SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: EPA is today proposing to amend § 122.6 to clarify those requirements with which applicants for an NPDES permit must comply in order to continue the effectiveness of their existing NPDES permit pending EPA action on reissuance.

The Federal Administrative Procedure Act (APA), 5 U.S.C. 558(c), provides that when a permittee has made timely and sufficient application for a renewal permit in accordance with agency rules, a permit for an activity of a continuing nature does not expire until the application has been finally determined by the Agency. The principle behind this provision is that a permittee should not be penalized where he has submitted a timely renewal application but, through no fault of his own, the Agency has been unable to act on it.

Section 122.6 of the NPDES Permit Regulations states that an applicant for a renewal permit must submit a timely and complete application in order for the existing permit to be continued in effect under the APA. In defining timely and complete the regulation makes reference to § 122.21 (formerly § 122.53). In cross referencing § 122.21 EPA recognized that an application may be complete for purposes of continuance under the APA, although the submission of some information necessary for issuance of the permit may have been delayed as authorized by the Director.

In a chart following § 122.21(d), EPA established time deadlines for submission of NPDES applications depending on the date the initial permit expired. (The chart was eliminated in a separate rulemaking, discussed elsewhere in today's **Federal Register**.) In all cases applicants were required to submit an application no later than the expiration of the original permit. However, the Director could permit an applicant to submit quantitative data on effluent characteristics later than that date, in some cases up to six months beyond the expiration date of the permit.

Elsewhere in today's **Federal Register**, EPA has, in final regulations, amended § 122.21(d) to give greater flexibility to the Director in determining when effluent data required by the NPDES application must be submitted. The new regulation will eliminate the time deadlines imposed on the Director. The Director will now have discretion to set appropriate dates for submission of effluent data depending upon the scheduling for reissuance of the permit and the availability of laboratory space to analyze samples.

As explained in that rulemaking, delaying the submission of effluent data until such time as the Agency is ready to act on the applicant's renewal application will benefit both the permit-issuing authority and the applicant. Applicants will be saved the expense of additional costly testing to update their applications. In addition, the Agency will have current quantitative data upon which to base permit limitations and conditions.

In order to clarify the relationship between §§ 122.6 and 122.21 and aviod any confusion as the the effect that the revision to § 122.21(d) will have on the continued effectiveness of expired permits under the APA, EPA proposes to amend the language of § 122.6 to substitute the word "sufficient" for the word "complete". As proposed, revised § 122.6 would track the language of the Federal APA to make clear that an application may be sufficiently complete for purposes of APA continuance even though the submission of effluent data has been delayed beyond the expiration date of the initial permit. In such cases the applicant has satisfied the intent of the APA that he has done all that is required by Agency regulation but nonetheless, through no fault of his own, the Agency is unable to act on his renewal request.

Executive Order 12291

Under Excecutive Order 12291, EPA must judge whether a regulation is "Major" and the therefore subject to the requirements of a Regulatory Impact Analysis. This regulation does not satisfy any of the criteria for classifying a regulation as major. It imposes no additional costs on any applicants for NPDES permits, but rather clarifies the intent of the current regulations. It is therefore not a major action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB and any EPA response to those comments are available for public inspection at EPA, Room 3220, 401 M Street, SW., Washington, D.C. 20460.

Regulatory Flexibility Act

EPA also has determined, pursuant to the Regulatory Flexibility Act, that the regulation will not have a significant economic impact on a substantial number of small entities. Again, the proposed regulation imposes no additional costs on any applicants for NPDES permits, including small business applicants. It merely clarifies the intent of the current regulations.

List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Air pollution control, Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply Confidential business information.

Dated: July 31, 1984.

William D. Ruckelshaus,

Administrator.

Accordingly, 40 CFR Part 122 is proposed to be amended as set forth below.

1. 40 CFR 122.6 is amended by revising the introductory paragraph of (a) and paragraph (a)(1) to read as follows:

§ 122.6 Continuation of expiring permits.

(a) EPA permits. When EPA is the permit-issuing authority, the conditions of an expired permit continue in force under 5 U.S.C. § 558(c) until the application has been finally determined by the agency (see § 124.15) if:

(1) The permittee has submitted a timely and sufficient application for a new permit in accordance with 122.21; and

[FR Doc. 84-20875 Filed 8-7-84; 8:45 am]

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Vol. 49, No. 154

Wednesday, August 8, 1984

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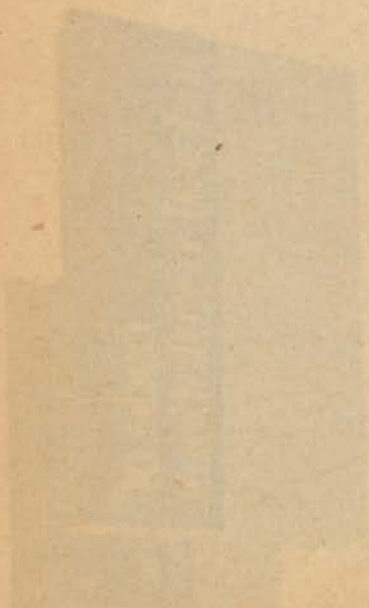
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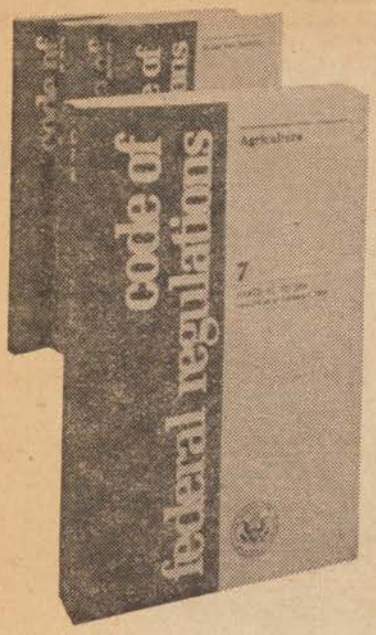
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