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Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 950

Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The United States Office of Personnel Management (OPM) is issuing revised regulations governing solicitation of Federal civilian and uniformed services personnel for contributions to private voluntary organizations under the authority of Executive Orders No. 12353 (March 23, 1982), Charitable Fund-Raising, 47 FR 12785 (March 23, 1982), and No. 12404 (February 10, 1983), Charitable Fund-Raising, 48 FR 6685 (February 15, 1983). These regulations provide a system for administering the annual charitable solicitation campaigns conducted by Federal personnel in their Government workplaces and set forth groundrules under which charitable organizations may receive contributions from Federal personnel through the Combined Federal Campaign.

EFFECTIVE DATE: September 17, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph A. Morris, General Counsel (202) 632-4632, as to matters related to litigation; or Ronald E. Brooks, Assistant for Regional Operations to the Deputy Director (202) 632-5544, as to general information on the Combined Federal Campaign (CFC).

SUPPLEMENTARY INFORMATION: On Friday, April 13, 1984, OPM published a notice in the **Federal Register**, 49 FR 14752, of proposed revision to the regulations, codified at 5 CFR Part 950, that govern the CFC. The revised regulations were proposed in order to comply with the decision of the United States District Court for the District of Columbia in *NAACP Legal Defense and Education Fund, Inc.* v. *Devine*, 567 F. Supp. 401 (D.D.C. 1983), *affirmed*, 727 F.2d 1247 (D.C. Cir. 1984), *suggestion for rehearing en banc denied*, — F.2d — (evenly divided court) (D.C. Cir. 1984). That decision invalidated, as unconstitutional, those provisions of Executive Order No. 12404, 48 FR 6685 (Feb. 15, 1983) that sought to establish the Combined Federal Campaign as a means to provide financial support for traditional human health and welfare charities and to end its subsidization of legal defense and political advocacy organizations.

The petition for rehearing and the suggestion for rehearing en banc was denied by an evenly-divided court. The United States Government is currently considering whether or not to petition the United States Supreme Court for a writ of certiorari directed to the Court of Appeals. It is possible, therefore, that further judicial review of the questioned provisions of Executive Order No. 12404 may yet be undertaken.

Nonetheless, if a CFC is to be held in 1984 and is to succeed in raising funds for the support of philanthorpy, however defined, then it is incumbent upon the Office of Personnel Management (OPM), the body charged by the President with administration of the CFC, to act speedily to spell out the rules by which the 1984 campaign is to be governed. OPM would prefer to execute the CFC with Executive Order No. 12404 intact. Pending judicial vindication of the President's order, however, and in light of the court orders currently in force, OPM has no alternative but to establish revised rules governing the CFC that conform to the controlling judicial pronouncements, obeying the court orders in such a way that fully effects them with a minimum of administrative burdens and taxpayer expense. OPM does so, of course, without prejudice to its right or duty further to modify the rules in the event of a supervening direction from a court, the Congress, or the President.

Approximately 3,000 comments were received in response to the notice of proposed rulemaking published on April 13, 1984. They have been reviewed and substantively considered. A substantial majority of the comments expressed broad and general support for OPM's regulatory proposals, many of them expressing sympathy for the positions taken by the Government in litigation but acknowledging the need to obey live court orders.

Of the minority of comments submitted in opposition to OPM's proposed rules, a significant number were predicated upon opposition to the abandonment of those provisions of Executive Order No. 12404 invalidated by the courts. Writers of such comments exhorted OPM to continue the CFC solely as a subsidy or source of funds for traditional charities rendering health and welfare services directly to people. They opposed the use of Federal resources to raise funds for political advocacy organizations, legal defense funds, groups furnishing services to non-human animals, and other bodies that, although organized on a not-for-profit basis, undertake activities other than the provision of health and welfare services directly to human beings. OPM is entirely sympathetic with such views, as is President Reagan, whose Executive Order attempted to implement them. Under the rule of law, however, OPM is obliged to obey the existing court orders, notwithstanding their infelicitousness, unless and until they are set aside by competent authority. OPM must therefore reject all comments that urge courses of action that are inconsistent with current judicial rulings.

One of the most comprehensive sets of comments was submitted by United States Representative Patricia Schroeder, who wrote that "Dr. [Donald J.] Devine [Director of OPM] deserves our congratulations and praise for finally getting rid of the national eligibility process." She added, though, that "OPM should go all the way and eliminate local eligibility and the local presence requirement entirely."

OPM concurs with Mrs. Schroeder's view that, in light of the existing court orders, the local eligibility process should also be eliminated. Thus, in the event that the operation of any local CFC requires federated groups and voluntary agencies to apply for permission to take part, only two tests of eligibility will be imposd: that applications be timely and that they be accompanied by certificates that the applicants are properly tax-exempt and

tax-deductible entities that meet minimal standards of charity and of operational and reporting integrity. *See* 5 CFR 950.211(h) and 950.309(a)(3). Local Federal Coordinating Committees will not look behind timely applications accompanied by such certificates unless the conduct of the applicant itself calls the veracity of its certificate into question.

Mrs. Schroeder's proposal for elimination of the local presence requirement, however, is unrealistic. Simply put, the local presence requirement asks participating charities to have at least a minimal history of service, or a real (and unspeculative) capability to serve, in the local CFC area, especially with respect to the Federal community. A clear understanding of the need for the local presence requirement was demonstrated by Circuit Judge Starr in a statement, in which he was joined by Circuit Judges Wilkey, Bork, and Scalia, that was published by the Court of Appeals when it considered OPM's suggestions for the rehearing *en banc:*

"[The panel's] invocation of the funds' 501(c)(3) tax exempt status as the linchpin of its analysis will make it difficult, if not impossible, for the federal government to exclude on a principled basis any of the hundreds of thousands of organizations that enjoy 501(c)(3) status. The decision thereby fundamentally alters the nature of the CFC * * *." *NAACP Legal Defense and Education Fund, Inc.* v. *Devine,* — F.2d at —.

The local presence requirement is essential for the efficient administration of the CFC. It is one of the few tools that local administrators of the CFC may wield that is absolutely principled, neutral, and evenhanded in its application, and that can keep a local campaign from being inundated by hundreds or thousands of this nation's tax-exempt philanthropies. Obvious consequences of such inundation include unmanageability and unbearable costs of the campaign, leading to the entire collapse or abandonment of the local CFC effort.

OPM thus adopts the essence of Mrs. Schroeder's first recommendation, while rejecting, as impractical, its subsidiary suggestion.

Mrs. Schroeder's second comment urged that "In order to make the campaign really open, it's time to get rid of undesignated funds." OPM has already designed CFC ground rules that admit only of designated gifts. Contributors are exhorted to specify one or more charities—from the entire qualified universe of tax-exempt and tax-deductible philanthropies—to which their gifts should be directed. *See* 5 CFR 950.513(b) and 950.521(e)(1)(v). In the alternative, contributors are permitted to designate, actively or passively, their gifts to the Principal Combined Fund Organization for distribution, as needed, by representatives of charities in the private sector. *See* 950.509(g), 950.513(a) and 950.521(e)(1)(iv). Only donors will determine where their contributions shall go. Federal officials (other than the donor) are prohibited from having any involvement in the allocation of gifts. *See* 5 CFR 950.509(g) and 950.513(a).

OPM must reflect Mrs. Schroeder's third suggestion, which calls for the elimination of Principal Combined Fund Organizations. The Federal Government neither can nor should provide administrative support for the CFC at the levels of resources, and with the degree of expertise, that are necessary—especially when the requisite support is already available from dedicated professionals in the private sector. The utilization of Principal Combined Fund Organizations makes for the most efficient possible execution of the CFC, and keeps costs to the Government, in terms both of money and personnel, to a minimum. This is a judicious use of private sector resources in support of a common program.

Mrs. Schroeder's fourth comment calls for the elimination of official local lists of eligible charities. She argues that the Federal Trade Commission and State consumer protection laws "provide strong protection against misrepresentation on the part of charitable organizations." OPM agrees. Certainly Federal, State, and local consumer protection laws help to police the world of philanthropy. Even more important in protecting consumers is the discipline of the marketplace: even charities must satisfy consumers, meaning their respective benefactors and beneficiaries, in order to survive. This fact has been recognized by OPM's adoption of a principle of internal charitable integrity to be reflected through processes of self-certification and policing by public and private sector authorities other than OPM. *See* 5 CFR 950.401. The CFC rules will permit every Federal employee to donate to the charity of his choice, whether or not it is listed on any local leaflet. *See* 5 CFR 950.211(h). OPM has determined to preserve the local option of an official list, however, in view of the strong desire of many charities and local Federal officials to retain them. It is possible that, in many localities, the CFC will not be inundated by unmanageable numbers of applicant philanthropies, and local lists may be useful aids to fund-raising in such communities. OPM sees no reason at this time to lay down a blanket prohibition against the local option of listing charities, and therefore, to the limited extent, rejects the proposal. The balance of Mrs. Schroeder's comment has merit and, for the reasons stated, will be implemented.

In conjunction with her fourth comment, Mrs. Schroeder suggests that "the local Federal Coordinating Committee produce a brochure in which each charitable organization that wanted to could buy as much space as it wanted." This proposal has a great deal of merit. OPM is loath, however, to impose such a burden upon local Federal Coordinating Committees without further study and without discussion with the Committees. Accordingly, OPM will adopt a modified form of Mrs. Schroeder's suggestion as an experiment in the 1984 campaign.

This new mechanism will, for the first time, permit individual voluntary agencies and federated groups to produce their own brochures and distribute them to Federal employees at their own expense. Organizations will produce these materials under their own control and at their own expense, and may join collectively in the production of such leaflets or may generate them separately. For the first time, charities will be permitted to mail them directly to Federal personnel at Federal workplaces and to make bulk distribution of them at Federal building entrances, provided that such distributions do not interfere with Government activities. In addition, at their option, local Federal Coordinating Committees may arrange for distribution in connection with the campaign of brochures for voluntary agencies that furnish such materials for use in the local CFC, provided that any such distribution is done evenhandedly, with equal treatment accorded to each voluntary agency, and without any interference with the conduct of Government business.

Finally, Mrs. Schroeder commented that "local campaigns should * * * be encouraged to set up wider avenues for distribution of information to employees." She added that "employees should have easy access to information, so long as that access does not disrupt the workplace and does not cost the government money." OPM agrees, and has modified the rules accordingly. *See* 5 CFR 950.521(b).

OPM thus adopts, in whole or in significant part, four out of Mrs. Schroeder's five suggestions.

Among the minority of commenters who opposed OPM's proposed rules or

who recommend substantial changes in them, the most significant group argued in favor of making it mandatory for local Federal Coordinating Committees to publish local lists of eligible agencies. They usually also urged publication of statements descriptive of each voluntary agency and federated group identified on the lists. After considering all such comments, and after weighing such views as those already attributed to Judges Starr, Wilkey, Bork, and Scalia and to Congresswoman Schroeder, OPM has determined to make final its proposal to make the publication of official local lists optional rather than compulsory. Current court orders have virtually eliminated meaningful eligibility criteria short of recognized status under 26 U.S.C. 501(c)(3). It is therefore possible, and indeed probable, that many more philanthropic bodies will now seek funding from the CFC than ever did before. This fact, coupled with the deemphasis upon OPM and Federal policing of charities, the growing emphasis upon designation of gifts, the increasing awareness of Federal personnel of charitable entities, and the augmented channels of communication becoming available between charities and the Federal workforce, makes it a matter of sound management to give local committees discretion to continue or discontinue list publication as local conditions warrant. Elimination of descriptive statements will also conserve space and expense, will reduce whatever speech forum status may, if any, attach to the CFC, and will end any charge of Government favoritism or censorship in connection with the organizational activities.

Several commenters in the minority who favored compulsory national or local listing argued that, absent such lists, donors will act out of ignorance in making contributions. This argument was applied as well, to the publication of descriptive statements. OPM rejects this contention. The argument overlooks the manifold opportunities to obtain information about charitable organizations that can be found both in the general community and in Federal workplaces. It is blind to the deep-seated charitable impulse and dedication to public service that motivate Federal personnel to be attentive to organizations, activities, and events in the world of philanthropy. Above all, it subtly derogates the intelligence of Federal workers. OPM is not pleased that judicial rulings compel the application of its resources to the support of categories of philanthropy that do not merit extraordinary governmental support; but OPM does not doubt for a moment that the great majority of Federal personnel will make informed and deliberate decisions as to where, if anywhere, their donations will go. This view is entirely congruent with OPM's belief that the exclusion from the CFC of groups not directly rendering human health and welfare services operated to deny no contributions to those organizations. Federal workers who wished to support such groups have always been free to do so. OPM has never argued that such philanthropies should be unsupported by generous individuals. Rather, OPM has simply contended, as a matter of sound Government policy, that the best application of scarce Federal resources is in support of health and welfare programs directly providing services to human beings. In any event, the contention that lists and descriptive statements are necessary to keep Federal personnel from making ignorant charitable contributions is both specious and invidious. This is especially so in light of the new rules that will allow charitable agencies to have access to Federal personnel to present their messages, either individually or jointly.

Another comprehensive commenter was United Way of America. Among its submissions was the recommendation that illegible write-in gifts or write-in contributions made to unqualified or unidentifiable recipients not be returned to the donor. Instead, it urged that such gifts be deemed designated to the Principal Combined Fund Organization. OPM vigorously rejects this proposal. All gifts must be designated, and all designations must be the conscious and willing acts of the donors. Gifts to the Principal Combined Fund Organization or to any other recipient should not be made by accident. When a contributor directs his gift to any recipient, whether it be the Principal Combined Fund Organization or the most obscure and distant beneficiary imaginable, he must be confident that his gift will either be applied as he has directed or be returned to him for clarification, redirection, or cancellation.

On a related point, several commenters, including the Federal Executive Board of Baltimore (which serves as the local Federal Coordinating Committee for the Baltimore CFC) and the United Way of America, noted potential problems with deciphering write-in designations. All write-in designations must be honored with precision, and where such designations are illegible, ambiguous, or otherwise difficult to honor, the Principal Combined Fund Organization must contact the donor, without unduly or coercively influencing the donor and without disrupting Government business, and either ascertain his precise instructions or return his gift to him. This burden is one of the prices that a Principal Combined Fund Organization must bear in exchange for the privileges it receives as the Principal Combined Fund Organization. OPM has queried the 20 largest Principal Combined Fund Organizations participating in the CFC, and has been assured by them, on the basis of their experience in the private sector, that this task of verifying ambiguous and illegible designations will be manageable. In any event, should the write-in feature of the 1984 CFC prove to be unwieldy, OPM will reexamine the matter in light of this year's experience. But OPM sees no need at this time to abandon the experiment untried.

United Way of America also proposed that recipients of write-in designations who have not previously certified to the local Federal Coordinating Committee that they are qualified charities recognized under 26 U.S.C. 501(c)(3) and meeting minimal standards of integrity be required so to certify themselves before gifts are released to them. This is a constructive suggestion and has been adopted. To this end, OPM has revised 5 CFR 950.309(a)(3) to reflect that OPM acknowledges that voluntary agencies are regulated, as to the integrity of their operations and finances, by State and local governments, by the federated groups of which they may be members, and by the discipline of the marketplace. The CFC will therefore be guided by the principle of self-certification (except in the properly stringent process that leads to the selection of a Principal Combined Fund Organization by a local Federal Coordinating Committee) and will accord a presumption of validity to the written representations of volunatry agencies and federated groups that the minimal eligibility and integrity standards of the CFC ground rules are satisfied. Where optional local lists are published, certificates of compliance must be submitted on behalf of all listed agencies. Federated groups should submit such certificates on behalf of their respective members; unaffiliated agencies should submit certificates on behalf of themselves. Where no optional list is published, or where an unlisted agency is designated to receive a gift, the previously uncertified agency must be certified, either by its federated group or by itself, before it may receive any proceeds from the local CFC. Where certifications are submitted for purposes of compiling an optional local list, they should be filed with the local Federal

Coordinating Committee. Where they are submitted after the campaign for purposes of receiving write-in donations, they may be solicited by the Principal Combined Fund Organization and may be submitted either to the local Federal Coordinating Committee or with the Principal Combined Fund Organization, in accordance with local CFC practice. Several sections of the proposed rules have been modified in order to accommodate these principles, most importantly at 5 CFR 950.521(e).

United Way of America also suggested that the term "percentage" be substituted for the term "fee" in 5 CFR 950.509(c)(5) and in a few derivative or related provisions. This is technically accurate and has been adopted.

The local Federal Coordinating Committee of Licking County, Ohio, noted several places, including at 5 CFR 950.509(c), where the proposed rules assumed compulsory local listings or the imposition of local or national eligibility requirements substantially in excess of the courts' emphasis upon status under 26 U.S.C. 501(c)(3). These comments were helpful in identifying several inadvertent inconsistencies. The suggestions were adopted and conforming corrections have been made.

The National Health Agencies urged the abolition of the right given donors to designate their gifts to the Principal Combined Fund Organization by means of leaving the pledge card's designation spaces blank in the face of the pledge card's explicit notice that gifts made on blank cards will be deemed designated to the Principal Combined Fund Organization. Instead, the National Health Agencies would have the distribution of CFC proceeds determined by OPM and the leading federated groups prior to the start of each year's campaign and would have the contributor's leaflet inform donors as to where their gifts would go under each donation option available to them. This is unacceptable. Advance determinations of how gifts will be distributed deprives donors of control of their contributions. Moreover, the President and OPM have long since decided that Federal officials, except as individual donors, should have no role whatsoever in deciding how gifts are distributed. The CFC should be operated on the principle of full-designation, and that ground rule will not now be changed.

The National Health Agencies of California, Inc., suggested that 5 CFR 950.509(h) be revised to provide that copies of the reports made by Principal Combined Fund Organizations to their respective local Federal Coordinating Committees should also be transmitted to participating federated groups and other interested parties. This recommendation makes a great deal of sense, and has therefore been adopted.

The National Health Agencies of Alabama proposed that the minimum of three write-in boxes specified for pledge cards in 5 CFR 950.513(b) is insufficient, and should be expanded to at least five such spaces. OPM agrees that it would be appropriate to make more space available for write-in contributions. Whether or not any particular number greater than three is practicable, however, is unknown at this time. OPM is currently experimenting with several new pledge form designs. Because OPM administratively prescribes the form of pledge documents on a national basis and because the number of write-in spaces will certainly equal or exceed three, OPM sees no current need to modify the regulation.

Several commenters have asked whether or not, in view of the obvious judicial emphasis upon status under 26 U.S.C. 501(c)(3) and of OPM's new provisions for write-in designations, any distribution will be made of lists of agencies recognized under Section 501(c)(3) of the Internal Revenue Code. The Internal Revenue Service indeed publishes and updates a list of such organizations. OPM, with the cooperation of the Department of the Treasury, expects to make such lists available to local Federal Coordinating Committees and to Principal Combined Fund Organizations in order to assist them in identifying applicant and write-in organizations. Because such references are purely internal operational matters, however, there is no need for any regulatory action relating to them.

Several commenters have also asked for a succinct statement of what it is that a voluntary organization must do in order to qualify for listing in the event of publication of an optional local list. In summary, a voluntary organization must apply on time; it must certify that it is a qualified charity recognized under 26 U.S.C. 501(c)(3) and that it meets all integrity and other requirements imposed by the CFC regulations; and, unless it is able properly to certify that its services are rendered exclusively or in substantial preponderance overseas, it must demonstrate its local presence. Federated groups may submit the required certificates for their respective members. Unaffiliated voluntary agencies must certify on behalf of themselves. The precise regulatory provisions covering these matters will be found at 5 CFR 950.211(h), 950.309(a)(1), 950.309(a)(3), and 950.501(a).

Finally, with regard to the Overseas CFC, the American Red Cross and the International Service Agencies—Overseas have proposed modifications of the rules to clarify the authority for federated groups to participate in the overseas campaign and of the Department of Defense to establish the National Voluntary Organizations Campaign Committee as the Principal Combined Fund Organization for the Overseas CFC. These suggestions have merit, and have been adopted at 5 CFR 950.309.

Many comments were received that recommended minor or technical adjustments in the rules. Such comments were considered on their merits and were, in many instances, adopted. Many other comments addressed issues in CFC conduct and management that are not germane to the regulatory changes proposed in the notice of proposed rulemaking. While all such non-germane comments were reviewed, for the most part they did not result in any modifications of the CFC rules. In the few instances where they did result in regulatory changes, they were minor in nature and dealt with technical aspects of campaign administration.

Subsequent to the official close of the comment period on OPM's proposed regulatory amendments, but during the time when comments were being reviewed and final rules developed, the Committee on Appropriations of the United States Senate adopted a report that touched upon the CFC as follows:

"The Committee is deeply concerned that the new rules proposed by the Office of Personnel Management on April 13, 1984 might have a negative impact on the ability of Federal workers to make informed choices regarding the specific charities they wish to contribute to in the Combined Federal Campaign. The Committee notes that a number of charities have expressed similar concerns.

"On the other hand, the Committee recognizes the OPM's assertion that the rules could result in a substantial bureaucratic and administrative burden in preparing for the Combined Federal Campaign. Nevertheless, the Committee firmly believes that Federal workers must have, at a minimum, a listing of past years' CFC donees including a brief statement of each organization's programs. Therefore the Committee directs the Director of the Office of Personnel Management to redraft the proposed regulations to assure that where a Local Federal Coordinating Committee elects not to publish a list of eligible organizations, the Principal Combined Fund Organization shall

provide to Federal employees a list of all organizations that received or will receive funds from the preceding year's CFC, including a brief statement of each organization's goals and objectives. Such list shall be divided by category of service. The Committee envisions that Federal workers will be allowed to write in any 501(c)(3) charitable organization that is not a private foundation and that the list would simply provide to Federal workers information on the past year's CFC activities. The Committee has no objection to OPM providing a further listing in developing the regulations that would go beyond the Committee's specifications. Should OPM decide to do so, the Director shall report back to the Committee with his findings."

OPM acknowledges the weight of the concerns expressed by the Senate Committee, and recognizes the constructive import of its directive that information regarding past CFC activity be made available to donors by Principal Combined Fund Organizations in those local campaigns where local Federal Coordinating Committees opt against publication of an official list. A rule providing for the availability of such informaiton is adopted in these final regulations at 5 CFR 950.521(e)(3). Other provisions are renumbered to accommodate the change.

A second event of importance for the Combined Federal Campaign occurred after the close of the comment period. On June 26, 1984, the Supreme Court decided *Secretary of State of Maryland v. Joseph H. Munson Co.*, — U.S. —, 52 U.S.L.W. 4875. That decision caused OPM to revisit the provision at 5 CFR 950.405(a)(4) regarding fund-raising and administrative expenses of benefiting charities. After considering that rule in light of the Supreme Court's teaching in Munson, supra, OPM is satisfied that the rule passes constitutional muster inasmuch as, unlike the Maryland criminal statute at issue in *Munson, supra*, the rule at 5 CFR 950.405(a)(4) merely requires a voluntary agency that is already responsible for the self-certification of its integrity to disclose and reasonably explain its proportions of fund-raising and administrative expenses if its integrity is justifiably called into question. The CFC rule, unlike the statute at issue in *Munson*, does not rest upon the "fundamentally mistaken premise that high solicitation costs are an accurate measure of fraud," nor does it purport to punish by fines, imprisonment, or other criminal sanctions. Instead, the CFC rule looks to high administrative costs as *an* indicium of fraud, mismanagement, inefficiency and other concerns warranting public scrutiny or donor awareness, which must be considered in light of all relevant circumstances in the event that an inquiry into an organization's integrity is occasioned. The consequences of such an inquiry are, at most, a request for disclosure and satisfactory explanation, and, failing at that, a return of gifts to donors who remain free, of course to bestow their contributions upon even the questioned recipient through channels other than the CFC.

Finally, a third event of note for this rulemaking occurred after the close of the comment period on these rules when the *Washington Post* (edition of June 4, 1984, at A12, col. 1) set forth its editorial views under the heading of "Combined Federal Chaos," on the present state of the Combined Federal Campaign. OPM concurs in the assessment of the *Washington Post*, and believes that the newspaper has usefully summarized key facts relating to, and supporting, these new, final rules:

"Certain legal defense and advocacy groups—from both the right and the left—have managed to convince a federal appeals court that they have a constitutionally guaranteed right to have the taxpayers do their fund-raising for them. As a result of this misguided assertion, the federal government's annual charity fund-raising drive is likely to be a far messier and less productive effort than before. But under the court's decision, it's not clear that much can be done to rectify the situation.

"The same groups that sued for entry into the Combined Federal Campaign are now complaining that the Office of Personnel Management's new rules implementing the court decision will make it very difficult for them, and for other charitable organizations, to raise money through the campaign. That's because OPM has decided to stop providing a national list of charities qualified to receive contributions. Instead, federal workers may simply write in the name of any organization designated by the Internal Revenue Service as a nonprofit charitable organization. If no designation is made, the funds will go to the United Way or other similar community-wide groups in each area.

"The groups objecting to these rules are right on many counts. Without handy descriptions of qualified organizations to guide them, federal workers are likely to write in the name of a well-known national organization quite able to raise funds on its own. If smaller groups want to be recognized, they will have to run expensive promotional activities. Local agencies will also have to go through the hassle of locating designated agencies or, if these are not qualified or cannot be located, returning the money to donors. This trouble and expense destroys the combined campaign's essential purpose of making fund-raising cheap and easy.

"But what is the alternative? Under the court's ruling, hundreds of thousands of agencies are qualified to participate. Reviewing the financial integrity and preparing descriptions of all of them is clearly impractical. If OPM tried to choose among them, it would surely find itself defending against another lawsuit brought by an excluded agency. OPM has allowed each local campaign to prepare a list of qualified agencies that provide direct services in its area. That should be encouraged. But it wouldn't be surprising if many localities didn't want to take on the administrative burden or risk the lawsuits that might ensue.

"The best outcome would be if OPM appealed its case to the Supreme Court and won the right to limit the campaign to the health and welfare service agencies for which it was originally intended. Meanwhile, the groups that stirred up all this trouble might ask themselves if they have done a favor to either themselves or the larger cause of charity."

Scope

This Part governs all fund-raising by private voluntary charitable agencies among Federal employees and members of the uniformed services of the United States at their places of work or duty. Thus it is applicable to civilian and uniformed personnel in all Executive departments and agencies throughout the world.

E.O. 12291, Federal Regulation

After a careful review of the proposed rulemaking, including the analysis set forth below for purposes of the Regulatory Flexibility Act, OPM has determined that this is not a major rule for purposes of Executive Order No. 12291, Federal Regulation, because it will not result in:

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

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

(1) *Reasons Why Action by Agency is Being Considered*

The United States Court of Appeals for the District of Columbia Circuit has affirmed a lower court order permanently enjoining the Office of Personnel Management (OPM) from enforcing the regulations at 5 CFR Part 950 as they stood heretofore. The Administration is now evaluating its avenues of review of the decision of the Court of Appeals, and weighing whether and how to pursue them. In the meantime, however, it is necessary to revise the existing rules to conform with that latest judicial decision. The court order specifically voided OPM's attempt to exclude certain groups, which OPM did not believe to constitute charitable health and welfare organizations, from the Combined Federal Campaign. The effect of the court's decision was to open the CFC to any organization qualified under 26 U.S.C. 501(c)(3). Because there are scores of thousands of these organizations, it is necessary to change the administration of the CFC to allow for the possible inclusion of many, many more charities. To avoid being overwhelmed with applications, this necessitated ending the national eligibility process, and allowing Federal employees to donate to any charity through an open pledge card process.

(2) *Objectives of and Legal Basis for Rule*

These regulations are issued under Executive Orders 12353 and 12404. The objective of these regulations is to provide for a system of administering the annual charitable solicitation drives among Federal civilian and military employees in a Combined Federal Campaign, and to set forth ground rules under which charitable organizations receive gifts through the CFC, in the light of court orders on the matter.

(3) *Number of Small Entities Covered Under Rule*

The rule would apply to all organizations in the United States qualified under 26 U.S.C. 501(c)(3).

(4) *Reporting, Recordkeeping and Other Compliance Requirements of the Rule*

The new rules would significantly decrease reporting, recordkeeping, and other requirements as compared to the existing rule. Under the principle of self-certification, each affected entity would determine itself whether it meets the requirements set forth in the rule. This would significantly decrease—indeed practically eliminate—any regulatory or paperwork burden, especially as compared with former requirements. Charitable organizations will also not need to present detailed documentary evidence and register with the Government to receive funds, so that charities will be subject to no additional requirements by the Government. The new rules will make it optional for local Federal Coordinating Committees to dispense with publication of official lists of qualified charities. In place of the Government-subsidized listing of charitable agencies and descriptions of their purpose, charities may then undertake the cost of their own advertising, which results in income to themselves. It is neither unjust nor a departure from present practice in charitable campaigns outside the Federal workplace to have the beneficiaries of fund-raising bear all or some of its costs. It cannot be argued that by removing a Government subsidy the Government is adversely affecting any small entities, as it is merely restoring the *status quo ante* for some organizations—those who were previously beneficiaries—and minimizing the Government's regulatory burden on all charitable entities in return. In doing this, the rule complies and conforms with the purposes of the Regulatory Flexibility Act to minimize the regulatory burden on small entities. To facilitate the presentation of charitable organizations' messages to Federal employees, the Government, for the first time, opens its internal U.S. mail system to these charitable agencies. By permitting direct mail communication, cheap unit cost advertising is made available. Moreover, the regulations specifically allow for joint appeals and brochures, by federations of charitable organizations, or other combinations of charitable organizations, to allow efficient cost-sharing by small entities that could result in greater volumes of contributions. The proposed rule merely removes the Government from the regulatory process to the maximum extent possible—removing its subsidy and providing an efficient means by which entities may appeal to Federal employees for contributions to their charities. The decision as to which charities shall receive funds is left wholly in the hands of the Federal employee, where it belongs. The rules assure the free choice of the employee, rather than guarantee any entity a right to a subsidized special appeal to the employee. Certainly, the Government has no obligation to subsidize what it need not regulate, nor to guarantee monetary gain; but it merely must allow access to compete for the employee's donation. This is provided by the rule. As a result, a regulatory burden is lifted, and a means is substituted that gives all entities, small and large, cost-efficient and unregulated access to the audience of Federal employees.

(5) *Relevant Federal Rules Duplicating, Overlapping or Conflicting With the Rule*

By using the definition of the Internal Revenue Code under 26 U.S.C. 501(c)(3), existing rules, familiar to all because of the pervasive influence of the tax laws, are utilized to avoid unnecessary duplication, overlap, and conflict with other Government regulations.

(6) *Differing Compliance or Reporting Requirements*

The only significant appropriate alternative to the proposed rule is the formerly existing one, now voided by the court decision. The formerly existing system of a national eligibility process and a resulting listing of agencies is now unnecessary and impractical. The national eligibility process is unnecessary since all 501(c)(3) charities are now eligible for admission to the CFC. Descriptions of each charity previously provided are impractical since there simply are too many 501(c)(3) organizations in the United States to list them all with verbal descriptions. In addition, the new regulations place many fewer reporting requirements and give more flexibility in setting timetables for local Campaigns. In all, the new rules would allow more equal competition between small and large entities.

(7) *Clarification, Consolidation and Simplification of Compliance and Reporting Requirements*

As has been noted, the new rules would simplify compliance and reporting requirements for small entities as compared with existing rules.

(8) *Use of Other Standards*

Appropriate alternative standards are not available that would impose less burdensome regulations.

(9) *Exemption of Small Entities From Coverage*

Exemptions from coverage for small entities is not practical, since few restrictions exist for either large or small entities.

As a result of the above Regulatory Flexibility Analysis, I have determined that the rule will not have any significant detrimental economic impact on a substantial number of small entities. Indeed, the new regulations greatly advance the purposes of the Regulatory Flexibility Act by

significantly reducing regulatory burdens on the public.

List of Subjects in 5 CFR Part 950

Government employees, Charitable contributions.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM amends 5 CFR Part 950 by revising it to read, in its entirety, as follows:

PART 950—SOLICITATION OF FEDERAL CIVILIAN AND UNIFORMED SERVICE PERSONNEL FOR CONTRIBUTIONS TO PRIVATE VOLUNTARY ORGANIZATIONS

Subpart A—Administration and General Provisions

Subpart B—Organization and Functional Responsibilities

Subpart C—Campaign Arrangements for Voluntary Agencies

Subpart D—Requirements for National Voluntary Agencies

Subpart E—The Local Combined Federal Campaign

Authority: E.O. No. 12353 (March 23, 1982), 47 FR 12785 (March 25, 1982), 3 CFR, 1982 Comp., p. 139, and E.O. No. 12404 (February 10, 1983), 48 FR 6685 (February 15, 1983).

Subpart A—Administration and General Provisions

§ 950.101 Definitions.

(a) The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an organization that is organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services directly to, and for the direct benefit of, human beings:

(1) Delivery of health care to ill or infirm individuals;

(2) Education and training of personnel for the delivery of health care to ill or infirm individuals;

(3) Health research for the benefit of ill or infirm individuals;

(4) Delivery of education, training, and care to physically and mentally handicapped individuals;

(5) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(6) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(7) Neighborhood and community-wide services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(8) Legal aid services that are provided to needy, poor, and indigent individuals solely because of their inability to afford legal counsel and without a policy or practice of discrimination for or against the kind of cause, claim, or defense of the individuals;

(9) Protection of families that, on account of need, poverty, indigence, or emergency, are in long-term or short-term need of family, child-care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(10) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(11) Relief of needy, poor, and indigent adults and of the elderly;

(12) Assistance, consistent with the mission of the Department of Defense, to members of the armed forces and their families;

(13) Assistance, consistent with the mission of the Federal agency or facility involved, to members of its staff or service who, by reason of geographic isolation, emergency conditions, injury in the line of duty, or other extraordinary circumstances, have exceptional health or welfare needs;

(14) Lessening of the burdens of government with respect to the provision of any of the foregoing services; or

(15) Any other health and welfare service rendered by a charitable health and welfare entity organized, qualified, and recognized by the Internal Revenue Service, under 26 U.S.C. 501(c)(3).

(b) Campaign terms:

(1) "Director" shall mean the Director of the United States Office of Personnel Management, or his delegate;

(2) "Employee" shall mean any person employed by the government of the United States or any branch, unit, or instrumentality thereof, including persons in the civil service and in the uniform services;

(3) "Combined Federal Campaign" or "Campaign" or "CFC" shall mean the fund-raising program established and administered by the Director pursuant to Executive Order No. 12353, as amended by Executive Order No. 12404, and any subsidiary units of such program;

(4) "Community" shall mean a community that is defined either by generally recognized geographic bounds or by its relationship to an isolated government installation;

(5) "Direct Contributions" shall mean gifts, in cash or in donated in-kind material, given by individuals and/or other non-governmental sources directly to the spending health and welfare organization.

(6) "Indirect Contributions" shall mean gifts, in cash or in donated in-kind material, given to the spending health and welfare organizations by another health and welfare organization, but not transfers, dues or other funds from affiliated organizations or government, which are not to be considered as public "contributions."

(c) The term "Principal Combined Fund Organization" or "PCFO" means the organization in a local Combined Federal Campaign that has been selected and charged pursuant to 5 CFR 950.509 to manage and administer the local Combined Federal Campaign, subject to the direction and control of the local Federal Coordinating Committee and the Director. All of its Campaign duties shall be conducted under the title "Principal Combined Fund Organization for ———— (local CFC)" and not under the corporate title of the qualifying federation.

§ 950.103 Summary description of the program.

(a) *Assigned Campaign Periods.* In the United States, Combined Federal Campaign are held when set by the Director, usually in the fall; the DOD Overseas Combined Federal Campaign is also usually held during the fall. The solicitation period for a Combined Federal Campaign is normally limited to six weeks but may be extended for good cause by the local Federal Coordinating Committee.

(b) *Combined Federal Campaign.* At locations where there are 200 or more Federal personnel, all campaigns must be consolidated into a single, annual drive, known as the Combined Federal Campaign. The campaign is managed by the organization designated as the Principal Combined Fund Organization, in accord with 5 CFR 950.509, under the supervision of the local Federal Coordinating Committee and the Director. Such campaigns are conducted under administrative arrangements that provide for allocation of contributions in accordance with specific designations by donors. Solicitations are conducted exclusively by Federal personnel and only Federal personnel are solicited.

(c) *Decentralized Operations.* The federalism principle shall guide Campaign organization. Following designation of a Principal Combined Fund Organization, local representatives of that Organization initiate campaigns in their local community by direct contact with the heads of Federal offices and installations. Each Federal agency conducts its own solicitation among its employees, using campaign materials, supplies, and speakers furnished by or through the Principal Combined Fund Organization, under the direction of the local Federal Coordinating Committee and the Director.

(d) *Solicitation Methods.* Employee solicitations are conducted during duty hours using methods that permit true voluntary giving and reserve to the individual the option of disclosing any gift or keeping it confidential.

(e) *Off-the-Job Solicitation.* Many worthy voluntary agencies do not participate in the on-the-job program because they do not wish to join in its coordinated arrangements or because they cannot meet the requirements for eligibility. Such vountary agencies may solicit Federal employees at their homes as they do other citizens of the community, or appeal to them through union, veteran, civic, professional, political, legal defense, or other private organizations. In addition, limited arrangements may be made for off-the-job solicitations on military installations and at entrances to Federal buildings.

(f) *Prohibited Discrimination.* The Campaign is a means for promoting true voluntary charity among members of the Federal community. Because of the participation of the Government in organizing and carrying out the Campaign, all kinds of discrimination prohibited by law to the Government must be proscribed in the Campaign. Accordingly, discrimination for or against any individual or group on account of race, color, religion, sex, national origin of citizens, age, handicap, or political affiliation is prohibited in all aspects of management and execution of the Campaign. Nothing herein denies eligibility to any voluntary agency, which is otherwise eligible under this Part to participate in the Compaign, merely because such voluntary agency is organized by, on behalf of, or to serve persons of a particular race, color, religion, sex, national origin, age, or handicap.

§ 950.105 Federal policy on civic activity.

Federal personnel are encouraged to participate actively in the work of voluntary agencies—as members of policy boards or committees, heads of local campaign units, or volunteer workers—to the extent consistent with Federal agency policy and prudent use of official time. They are encouraged also to devote private time to such volunteer work.

§ 950.107 Preventing coercive activity.

True voluntary giving is basic to Federal fund-raising activities. Actions that do not allow free choices or even create the appearance that employees do not have a free choice to give or not to give, or to publicize their gifts or to keep them confidential, are contrary to Federal fund-raising policy. The following activities are not in accord with the intent of Federal fund-raising policy and, in the interest of preventing coercive activities in Federal fund-raising, are not permitted in Federal fund-raising campaigns:

(a) Supervisory solicitation of employees supervised;

(b) Setting 100% participation goals;

(c) Providing and using contributor lists for purposes other than the routine collection and forwarding of contributions and installment pledges;

(d) Establishing personal dollar goals and quotas; and

(e) Developing and using lists of noncontributors.

Subpart B—Organization and Functional Responsibilities

§ 950.201 Development of policy and procedures.

Director, U.S. Office of Personnel Management.

Under Executive Orders No. 12353 (March 23, 1982), Charitable Fund-Raising, and No. 12404 (February 10, 1983), Charitable Fund-Raising, the Director is responsible for establishing charitable fund-raising policies and procedures in the Executive Branch. With the advice of appropriate interested persons and organizations and of the Executive departments and agencies concerned, he makes all basic policy, procedural, and eligibility decisions for the program. The Director may authorize the conduct of demonstration projects in one or more CFC locations to test alternative arrangements differing from those specified in this Part for the conduct of fund-raising activities in Federal agencies.

§ 950.203 Program administration.

(a) *Federal Agency Heads.* The head of each Federal Executive department and agency is responsible for:

(1) Seeing that voluntary fund-raising within the Federal department or agency is conducted in accordance with the policies and procedures prescribed by this Part;

(2) Designating a top-level representative as Fund-Raising Program Coordinator to work with the Director as necessary in the administration of the fund-raising program with the Federal agency;

(3) Assuring full participation and cooperation in local fund-raising campaigns by all installations of the Federal agency;

(4) Assuring that the policy of voluntary giving and clear employee choice is upheld during the fund-raising campaign; and

(5) Providing a mechanism to look into employee complaints of undue pressure and coercion in Federal fund-raising.

Federal agencies shall provide procedures and assign responsibility for the investigation of such complaints. Personnel offices shall be responsible for informing employees of the proper organization channels for pursuing such complaints.

(b) *Fund-Raising Program Coordinators.* The responsibilities of Federal agency Fund-Raising Program Coordinators are to:

(1) Cooperate with the Director, the local Federal Coordinating Committee, and the Principal Combined Fund Organization in the development and operation of the program;

(2) Maintain direct liaison with the Office of the Director in the administration of the program;

(3) Publicize program requirements throughout the Federal department or agency;

(4) Answer inquiries about the program from officials and employees and from external sources; and

(5) Investigate and arrange for any necessary corrective action on complaints that allege violation of fund-raising program requirements within the Federal agency.

§ 950.205 Program coordination.

The Director coordinates the Federal agencies' administration of the fund-raising program and maintains liaison with voluntary agencies.

§ 950.207 Local voluntary agency representatives.

Federated and national voluntary agencies provide their State and local representatives with policy and procedural guidance on the Federal program. The local representatives are responsible for furnishing educational materials, speakers, and campaign supplies as may be required and appropriate to the Federal program.

§ 950.209 Local Federal agency heads.

The head of the Federal department or agency provides the heads of the local Federal offices and installations with copies of the Federal fund-raising regulations. The local Federal agency heads are responsible for:

(a) Cooperating with representatives of the local Federal Coordinating Committee, the Principal Combined Fund Organization, and local Federal officials in organizing local Federal campaigns;

(b) Undertaking official campaigns within their offices or installations and providing active and vigorous support with equal emphasis for each authorized campaign;

(c) Assuring that personal solicitations on the job are organized and conducted in accordance with the procedures set in these regulations;

(d) Assuring that authorized campaigns are kept within reasonable administrative limits of official time and expense.

§ 950.211 Local Federal coordinating committees.

(a) *Summary of duties and powers.* When there are a number of Federal agency offices and installations in the same local area, some interagency coordination is necessary in order to achieve effective community-wide campaigns and to improve general understanding and compliance with the fund-raising program. The Director assigns the responsibility for local coordination to existing organizations of Federal agency heads whenever possible and to special committees where needed. The local Federal Coordinating Committee is authorized to make all decisions within the provisions and policies established in this Part on all aspects of the local campaign, including eligibility and the supervision of the local community campaign and the Principal Combined Fund Organization. Such decisions may be appealed, however, to the Director.

(b) *Authorized Local Federal Coordinating Committee.* Coordinating responsibility is assigned by the Director to one of the following organizations:

(1) Federal Executive Boards. The boards exist in principal cities of the United States for the purpose of improving interagency coordination. They are composed of local Federal agency heads who have been designated as Board members by the heads of their departments and agencies under Presidential authority.

(2) Federal Executive Associations and Federal Business Associations, self-organized associations of local Federal officials, and the Department of Defense National Policy Coordinating Committee.

(3) Fund-Raising Program Coordinating Committee. These committees are established in communities where there is no Federal Coordinating Committee in existence. Leadership in organizing such a committee is the responsibility of the head of the local federal installation that has the largest number of civilian and uniformed services personnel. Local federal agency heads or their designated representatives serve on the committee and determine all organizational arrangements.

(c) *Employee union representation.* In order to ensure employee participation in the planning and conduct of the CFC, employee representatives from the principal employee unions of local Federal installations should be invited to serve in whatever organization exercises local coordinating responsibilities.

(d) *Fund-raising responsibilities.* Within the limits of the policies, procedures, and arrangements made nationally, the fund-raising responsibilities of local Federal Coordinating Committees are to:

(1) Facilitate local campaign arrangements. The Federal Coordinating Committee

(i) Names a high-level chairman for the authorized Federal campaigns,

(ii) Provides lists of Federal activities and their personnel strength,

(iii) Cooperates on interagency briefing sessions and kick-off meetings, and

(iv) Supports appropriate publicity measures needed to assure campaign success.

(2) Administer program requirements. The Coordinating Committee is responsible for organizing the local Combined Federal Campaign, supervising the activities of the Principal Combined Fund Organization, and acting upon any problems relating to a voluntary agency's noncompliance with the policies and procedures of the Federal fund-raising program.

(3) Develop understanding of campaign program policies and procedures and voluntary agency programs. The local Federal Coordinating Committee serves as the central medium for communicating programs, policies and procedures of the Campaign and for understanding the organizations employees are being asked to support and how employees can obtain services they may need from these organizations.

(e) *Principal Combined Fund Organization.* The local Federal Coordinating Committee will supervise a local Principal Combined Fund Organization. The Principal Combined Fund Organization will receive money from federal employees and administer the local campaign, under the direction of the local Federal Coordinating Committee.

(f) *Communication and resolution procedures through the Director, Office of Personnel Management.* Each local Federal agency head will receive fund-raising directions through his Federal agency channels and will raise questions that pertain to fund-raising activities within his Federal agency by the same means. However, the local Federal Coordinating Committee refers unresolved local fund-raising questions

or problems that are common to several Federal agencies directly to the Director. the Director communicates directly with the chairman of the local Federal Coordinating Committee for information about the local fund-raising situation.

(g) *Integrity of local Federal coordinating committee.* A local Federal Coordinating Committee may not serve as a Principal Combined Fund Organization.

(h) *Universal eligibility; local lists; review.* All health and welfare charities organized, qualified, and recognized by the Internal Revenue Service, under 26 U.S.C. 501(c)(3) are eligible to receive designations in any local CFC. The local Federal Coordinating Committee shall permit all such agencies to have an opportunity, as provided in the rules of the Campaign, to receive contributions from Federal employees. At its option, a local Federal Coordinating Committee may publish a list of health and welfare charities eligible to receive contributions through the local CFC. Any such list shall consist of all entities qualifying under 5 CFR 950.101(a) that meet the provisions of 5 CFR 950.211(i), that certify that they meet all applicable provisions of Subparts D and E of this Part, and that make timely application for inclusion on the local list. Where the local Federal Coordinating Committee elects to publish a list, it shall make a public announcement to that effect not later than sixty (60) days prior to the commencement of the local campaign. The announcement shall invite applications from all qualified entities for inclusion on the local list and shall specify a date by which applications must be submitted to the local Federal Coordinating Committee. If such a process is provided, then local eligibility decisions shall be made at an open meeting of the local Federal Coordinating Committee upon giving reasonable notice to interested parties. The local Federal Coordinating Committee shall give applicants reasonable notice, in accordance with local CFC practice, of the dispositions made of their applications. Applicants denied listing may petition the local Federal Coordinating Committee to reconsider its denial. Such petition for reconsideration may be dismissed as untimely unless it is received by the local Federal Coordinating Committee within ten (10) days after the petitioning party has received actual or constructive notice of the decision of which reconsideration is sought. A petition for reconsideration shall be supported by facts justifying reversal of the original decision. If the local Federal Coordinating Committee unanimously refuses to reconsider its decision, or reconsiders its decision and unanimously affirms the denial of admission, then its decision shall be final. If at least one member of the local Federal Coordinating Committee believes that the decision merits further review, or if the local Federal Coordinating Committee, have received a petition for reconsideration, fails to act thereon within ten (10) days of its actual receipt thereof, then the matter may be appealed, pursuant to the provisions of 5 CFR 950.525(e), to the Director, whose decision shall be final.

(i) *Standards of eligibility for local listing.* Any entity qualifying under 5 CFR 950.101(a), notwithstanding its location or geographic area of service, may receive a gift designated to it in writing on a prescribed CFC pledge card by an individual donor. To be manageable, however, the optional local list, if any, as permitted under 5 CFR 950.211(h), must be limited to charities that actively render their services in the local CFC area. Accordingly, any local list will include only entities that have a direct and substantial presence in the local campaign community, meaning that Federal employees and their families are able to receive, within a reasonable distance from their duty stations or homes, services that are directly provided by the voluntary agency or that demonstrably depend upon, or derive from, the specific research, educational, support, or similar activities of the particular voluntary agency. Demonstration of direct and substantial presence in the local campaign community, including adequate documentation thereof, shall at all times, and for all purposes, be the burden of the voluntary agency. Such direct and substantial presence shall be determined in the light of the totality of the circumstances in each case, including, but not necessarily limited to, consideration of the following factors:

(1) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing, to persons working or residing in the local campaign community.

(2) The presence within the local campaign community, or within reasonable commuting distance thereof, of a facility at which services are rendered or through which they may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider; or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof.

(3) The availability to persons working or residing in the local campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(4) Awareness within the local Federal community of the existence, activities, and services of the voluntary charitable agency.

Provided, that voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth in this Part except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for inclusion in the local list in each local campaign area of the Combined Federal Campaign.

§ 950.213 Avoidance of conflicts of interest.

Any Federal employee who serves on the Eligibility Committee, a local Federal Coordinating Committee, or as a Federal agency fund-raising program coordinator, must not participate in any decision situations where, because of membership on the board or other affiliation with a voluntary agency, there could be or appear to be a conflict of interest.

Subpart C—Campaign Arrangements for Voluntary Agencies

§ 950.301 Types of voluntary agencies.

Voluntary agencies are private, nonprofit, self-governing organizations financed primarily by contributions from the public. Some are national in scope, with a national organization that provides services at localities through State or local chapters or affiliates. Others are primarily local, both in form of organization and extent of services.

§ 950.303 Types of fund-raising methods.

(a) The methods used by voluntary agencies in public fund-raising shall be either federated or independent. A national *federated* group shall meet the same eligibility criteria as a voluntary agency, and have at least 10 local voluntary agency presences in each of at least 300 local combined campaigns. In federated campaigns, local voluntary agency representatives join contractually into a single organization for fund-raising purposes. A local United Way, united fund, community chest, or other local federated group may be

considered and supported as a single agency. Local chapters or affiliates of national agencies may form local federations or be admitted as additional participating members of national federated groups.

(b) An *independent* campaign is one conducted by a local unit of a national voluntary agency through its own fund-raising organization, or by a local non-affiliated agency which otherwise meets established eligibility criteria. Voluntary agencies may conduct independent campaigns or participate in a federation.

§ 950.305 Considerations in making Federal arrangements.

(a) *On-the-Job Solicitation.* In order to have only one *on-the-job solicitation* by Federal personnel and of Federal personnel, i.e., a Combined Federal Campaign, individual appeals must be combined into a single joint campaign on behalf of charitable purposes in conformance with the policies and procedures prescribed in this Part.

(b) *Campaign Arrangements Established Nationally.* Basic campaign arrangements are established by the Director. Local Federal agency heads and Coordinating Committees are not authorized to vary from the established arrangements except to the extent that local variations are expressly provided for in this Part.

(c) *Number of Solicitations.* Not more than one on-the-job solicitation of Federal personnel on behalf of charitable purposes will be made in any year at any location, except in the case of an emergency or disaster appeal for which specific prior approval has been granted by the Director.

(d) *Responsible Conduct.* In the event a voluntary agency fails to adhere to the requirements or to the policies and procedures of the Federal program, its privilege to receive gifts through the Combined Federal Campaign may be withdrawn by the Director at any time after due notice to the voluntary agency and opportunity for consultation.

§ 950.307 Definition of terms used in Federal arrangements.

(a) *Domestic Area.* The 50 United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(b) *Overseas Area.* All other points in the world where Federal employees or members of the uniformed services are stationed.

(c) *Federated Community.* A federated community is a geographical location within the domestic area where a federated fund-raising program exists. In a federated community, recognized national voluntary agencies may join a federated campaign group or participate individually. However, voluntary agencies "supported primarily through United Ways, united funds, and community chests" shall be recognized for participation in a federated community only as participating members of the local United Way, fund, or chest.

(d) *Local non-affiliated voluntary health and welfare agency.* Local voluntary agencies that provide health and welfare services in the local area, and otherwise meet the criteria of this Part, may be non-affiliated.

§ 950.309 Federated and overseas campaigns.

(a) *Authorized Federated Groups.* (1) United Way of America and any local United Way, united fund, community chest, or other local federated group that is a member in good standing of, or is recognized by, United Way of America and that meets the requirements in these regulations shall be recognized in its local campaign area as the federated group consisting of, and representing, its member voluntary agencies that also meet these requirements. Certifications as to the requirements on behalf of local United Ways, united funds, and community chests and each member voluntary agency will be made by United Way of America.

(2) The American Red Cross, the National Health Agencies, the International Service Agencies, the National Service Agencies, and such other federated groups which shall meet the standards under this Part, shall be recognized as the federated group consisting of, and representing, their respective member voluntary agencies that also meet all requirements of this Part.

(3) Member agencies of federated groups are responsible for furnishing to their respective federated groups adequate evidence of their compliance with all requirements of this Part, and federated groups are responsible for ensuring that such adequate evidence is properly furnished and, as needed, revised, in accordance with the principles set forth at 5 CFR 950.401. In a local campaign where an optional official list of voluntary agencies is published, pursuant to 5 CFR 950.521(e)(2), then federated groups and unaffiliated voluntary agencies applying for local listing shall seasonally furnish to the local Federal Coordinating Committee their respective written certificates of compliance with all requirements of this Part. In all other cases, such certificate shall be required as provided in 5 CFR 950.521(e)(2)(v).

(b) *Local Federated Agencies.* To be eligible for participation in the Federal fund-raising program, the local federated group must be broadly representative in its board and committee membership of the community and must be making bona fide efforts to meet community needs. Requirements for participation in a local federated group must be in writing, available to the public, reasonable, and applied fairly and uniformly to all local voluntary agencies requesting participation. Procedures must be provided by the federated group for at least one review of any decision denying participation requested by a local voluntary agency. The review must be conducted by a committee or other body within the federated group that did not participate in the original decision. A written statement of the reasons for denial must be provided to the applicant voluntary agency.

(c) *"Causes."* Solicitation for a health or other "cause," e.g., for "Mental Health" or "Heart Disease," without identification of the specific voluntary agency for which the funds are sought, is prohibited. All funds collected from Federal personnel must be allocated only to specific voluntary agencies.

(d) *Designation of Federated Area.* The recognition of a local Federal Coordinating Committee by the Director designates the community served by that Committee as a recognized local campaign site. Two or more authorized local Federal Coordinating Committees are authorized to develop coordinated solicitations best suited to the needs of their localities.

(e) *Overseas Campaign.*

(l) *DOD Overseas Combined Federal Campaign.*

(i) A Combined Federal Campaign is authorized for all Department of Defense activities in the overseas areas during a six-week period in the fall. Any national voluntary agency that the local Federal Coordinating Committee for the DOD Overseas CFC determines, in its discretion, most likely meets the definitions and standards set forth herein for the Principal Combined Fund Organizations shall be eligible to be designated as the Principal Combined Fund Organization for the DOD Overseas CFC. The American Red Cross, the International Service Agencies-Overseas, the National Health Agencies, the United Service Organization, and such other federated groups that shall meet the standards under this Part shall be authorized privileges on behalf of their member voluntary agencies that also meet all requirements of this Part. The local Federal Coordinating Committee for the DOD Overseas CFC shall designate the Principal Combined Fund Organization for the Overseas Campaign, which may

be the National Voluntary Organizations Campaign Committee.

(ii) Contributors to the DOD Overseas Combined Federal Campaign designate their gifts to one or more agencies or the Principal Combined Fund Organization. The Principal Combined Fund Organization for the overseas campaign shall pay the amounts collected directly to the designated voluntary agencies, less "shrinkage" and the processing percentage, if any, that is approved in advance of the campaign by the Federal official in the overseas area responsible for the local campaign arrangements.

(2) *Local Voluntary Agency Campaigns.* The heads of overseas offices and installations may, at their discretion, permit their military and civilian personnel to solicit each other on behalf of local voluntary agencies. Such campaigns will be conducted in accordance with the basic policies and procedures of the Federal program and at times which do not conflict with the DOD overseas Combined Federal Campaign period. The standards in this Part will be used as guidelines. Federal leadership in organizing such campaigns will be assumed by the head of the overseas Federal establishment that has the largest number of Government personnel in the campaign area.

(3) *Optional Participation by Certain Civilian Agencies.* Federal civilian departments and agencies that have traditionally considered their overseas personnel as members of the National Capital Area for fund-raising purposes may continue this practice.

(4) *On-Base Health and Welfare Activities.* On-base morale, welfare and recreational activities may be supported from CFC funds.

§ 950.311 Off-the-job solicitation at places of employment.

Voluntary agencies may be authorized off-the-job solicitation privileges at places of Federal employment under such reasonable conditions as may be specified by the local head of the Federal installation involved, provided that such conditions are not inconsistent with this Part. Dual solicitation conflicts with the objective of a combined campaign and is not authorized. Accordingly, this privilege shall be extended only under the following circumstances:

(a) *Family Quarters on Military Installations.* Voluntary agencies may be permitted to solicit at private residences or at similar on-post family public quarters in unrestricted areas of military installations at the discretion of the local commander. However, such solicitation may not be conducted by military or civilian personnel in their official capacity during duty or non-duty hours, nor may such solicitation be conducted as an official command-sponsored project. This restriction is not intended to prohibit or to discourage military and civilian personnel from participating as private citizens in voluntary agency activities during their off-duty hours.

(b) *Public Entrances of Federal Buildings and Installations.* Voluntary agencies that engage in limited or specialized methods of solicitation—for example, the use of "poppies" or other similar tokens by veterans organizations—may be permitted to solicit at entrances or in concourses or lobbies of Federal buildings or installations normally open to the general public. Solicitation privileges will be governed by the rules issued by the General Services Administration pursuant to the Public Buildings Cooperative Use Act of 1976, as amended, or other applicable Government legal authority.

Subpart D—Requirements for National Voluntary Agencies

§ 950.401 Purpose.

These requirements are established to ensure that the funds contributed by Federal personnel will be used for the stated purposes of the recipient voluntary agencies. The Office of Personnel Management acknowledges that voluntary agencies are regulated, as to the integrity of their operations and finances, by State and local governments, by the federated groups of which they may be members, and by the discipline of the marketplace. OPM and local Federal Coordinating Committees will therefore be guided by the principle of self-certification and will accord a presumption of validity to the written representations of voluntary agencies and federated groups that the requirements of this Part are satisfied.

§ 950.403 General requirements.

(a) *Type of Agency.* Only nonprofit, tax-exempt, charitable organizations, supported by voluntary contributions from the general public and providing direct and substantial health and welfare services through their national organization, affiliates or representatives are eligible for approval. All such services must be consistent with the policies of the United States Government.

(b) *Integrity of Operations.* Funds contributed to such organizations by Federal personnel must be effectively used for the announced purposes of the voluntary agency.

(c) *National Scope.* A national voluntary agency is one that:

(1) is organized on a national scale with a national board of directors that represents its constituent parts, and exercises close supervision over the operations and fund-raising policies of any local chapters or affiliates;

(2) has earned goodwill and acceptability throughout the United States, particularly in cities or communities within which or near which are Federal offices or installations with large numbers of personnel; and

(3) has national scope, that is, scale, goodwill, and acceptability, which may be demonstrated as follows:

(i) By a voluntary agency's provision of a service in many (c. one quarter) States, or in several foreign countries, or in several parts of one large foreign nation;

(ii) By derivation of contributor support from many parts of the Nation;

(iii) By the extent of public support and the number and the geographical spread of contributors; and

(iv) By the national character of any public campaign, which may be shown by an applicant having at least 200 local chapters, affiliates, or representatives that promote its campaign.

(d) *Type of Campaign.* Approval will be granted only for fund-raising campaigns in support of current operations. Capital fund campaigns are not authorized.

§ 950.405 Specific requirements for national agencies.

(a) *Corporate and Tax Status.* A voluntary agency must be one:

(1) That is a voluntary charitable health and welfare agency as defined in 5 CFR 950.101;

(2) That is voluntary and broadly supported by the public, meaning (i) that it is organized as a not-for-profit corporation or association under the laws of the United States, a State, a territory, or the District of Columbia; (ii) that it is classified as tax-exempt under 26 U.S.C. 501(c)(3), and is eligible to receive tax deductible contributions under 26 U.S.C. 170; and (iii) that, with the exception of voluntary agencies whose revenues are affected by unusual or emergency circumstances, as determined by the Director, it has received at least 50 percent of its revenues from sources other than the Federal Government or at least 20 percent of its revenues from direct and/or indirect contributions in the year immediately preceding any year in which it seeks to participate in the Combined Federal Campaign;

(3) That is directed by an active board of directors, a majority of whose members serve without compensation, that adopts and employs the *Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations;* that prepares and makes available to the general public an annual financial report prepared in accordance with the *Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations* and is certified by an independent certified public accountant; that provides for an annual external audit by an independent certified public accountant;

(4) That can demonstrate, if its fund-raising and administrative expense is in excess of 25 percent of total support and revenue, that its actual expense for those purposes is reasonable under all the circumstances in its case;

(5) That ensures that its publicity and promotional activities are based upon its actual program and operations, are truthful and nondeceptive, and include all material facts.

(b) *Fund-Raising Practice.* The voluntary agency's publicity and promotional activities must assure protection against unauthorized use of its contributors lists; must permit no payment of commissions, kickbacks, finders fees, percentages, bonuses, or overrides for fund-raising; and must permit no general telephone solicitation of the public.

(c) *Reports.*—(1) *Annual Report.* The voluntary agency must prepare an annual report to the general public that includes a full description of the voluntary agency's activities and accomplishments and the names of chief administrative personnel.

(2) *Combined Reports.* Voluntary agencies which represent more than one subunit must prepare a combined annual financial report to the general public in accordance with the *Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations.* The combined report shall include all income and expenditures for the national operations and all chapters, committees, affiliates, or satellites.

(d) *Reporting by American Red Cross.* For purposes of this Part, the American Red Cross and its chapters are recognized as operating an accounting and financial system in substantial compliance with the *Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations* and certification to this effect by local chapters is not required.

Subpart E—The Local Combined Federal Campaign

§ 950.501 Local voluntary agencies.

(a) A local voluntary agency shall meet the same criteria as a national voluntary agency, except national scope. Each voluntary agency shall certify to its compliance with these criteria, or shall have such certification submitted on its behalf by the federated group, if any, of which it is a member, in accordance with the principles of internal integrity set forth at 5 CFR 950.401.

(b) An on-base morale, welfare and recreational activity authorized by a military base commander may be supported from CFC funds.

§ 950.503 Participation in Federal campaigns by local unaffiliated agencies.

Arrangements shall be made by the Central Receipt and Accounting Point to distribute contributions to local unaffiliated voluntary agencies, after appropriate adjustments are made for "shrinkage" and approved administrative costs.

§ 950.505 Responsibility of local Federal coordinating committees.

Each local Federal Coordinating Committee is required to organize a Combined Federal Campaign in the local area for which it has fund-raising responsibility. The heads of Federal departments and agencies will request their local officials to cooperate fully with the decisions of the Federal Coordinating Committee in all aspects of CFC arrangements. The local Federal Coordinating Committee makes all final decisions on the local campaign, subject to appeal to the Director.

§ 950.507 Local CFC plan.

(a) *CFC as uniform fund-raising method.* The Combined Federal Campaign is the only authorized fund-raising method in all areas in the United States in which 200 or more Federal employees are located. All voluntary agencies wishing to participate in fund-raising within the Federal service must do so within the framework of a local Combined Federal Campaign.

(b) *Non-participation.* In the event that any voluntary agency does not follow these regulations for participation in a local CFC, fund-raising privileges in local Federal establishments are forfeited during that fiscal year.

(c) *Red Cross participation.* In local communities where the American Red Cross is not a participating member of the local United Way, it will be regarded as a separate campaign organization in the combined campaign. American Red Cross chapters have independent authority with respect to fund-raising policy, so responsibility for deciding on participation in the CFC rests with the local chapter board of directors. As with the other national organizations, in the event local American Red Cross chapters choose not to participate in the CFC, they are not authorized to have a separate campaign in local Federal offices or installations during the fiscal year involved, except in the case of an emergency or disaster appeal for which specific prior approval has been granted by the Director.

(d) *Exceptions in areas of fewer than 200 Federal employees.* Where there are fewer than 200 Federal employees in the local campaign area, it may not be practicable to hold a Combined Federal Campaign. Therefore, in such areas local Federal officials are not required to arrange for a Combined Federal Campaign. However, if they believe that it would be desirable from the standpoint of the local community or the Federal Government to have such a campaign, they may contact the Director to arrange a Combined Federal Campaign regardless of the number of employees involved. Where a CFC is not conducted because of lack of sufficient Federal employees, the local united fund is authorized to solicit within the Federal establishment during the fall of the year and other Federated groups are authorized to conduct a separate spring campaign. Where the American Red Cross is not a member of the local united fund and the area will not have a CFC, then the Red Cross may conduct an independent campaign during the month of March. However, payroll deductions for charitable contributions are only authorized in conjunction with Combined Federal Campaigns.

§ 950.509 Organizing the local campaign: The Principal Combined Fund Organization.

The Local Federal Coordinating Committee shall organize the local community campaign. It will appoint a campaign chairman who will carry out campaign duties in conformance with the policies and procedures prescribed in this Part. From among the federations with national scope, the local Federal Coordinating Committee shall select a Principal Combined Fund Organization to manage the campaign and to serve as fiscal agent. In doing so the Federal Coordinating Committee shall select whichever applicant organization it finds to be the local federated group in the CFC geographic area that provides through one specific, annual public solicitation for funds the greatest support for charitable agencies that

depend on public subscriptions for support; and that, in the judgment of the Federal Coordinating Committee, can most effectively provide the necessary campaign services and administrative support for the successful Campaign.

(a) In deciding whether an organization is the Principal Combined Fund Organization in the CFC geographic area, the Federal Coordinating Committee will consider:

(1) The number of local charitable voluntary agencies or affiliates in the CFC geographic area that rely on the applicant organization for financial support and that meet the prescribed eligibility criteria for participation in the CFC;

(2) The number of dollars raised by the applicant organization in the CFC geographic area during its last completed annual public solicitation for funds;

(3) The percentage of such dollars disbursed to the charitable voluntary agencies;

(4) The local capacity of the applicant organization to provide the necessary campaign services and administrative support (including operation of the Central Receipt and Accounting Point) to the local Federal Coordinating Committee for a successful Federal campaign in conformance with the policies and procedures prescribed in this Part; and

(5) Whether the organization meets the requirements specified in 5 CFR 950.401, 950.403, and 950.405.

(b) An organization seeking to be designated the Principal Combined Fund Organization in a CFC area shall submit its application for such designation to the local Federal Coordinating Committee for approval. All such applicants must pledge to manage the campaign fairly and equitably; to conduct organization operations separate from other voluntary agency operations; to consider advice from, be responsible to reasonable requests for information from, and to consult with other agencies; and to be subject to the decisions and supervision of the local Federal Coordinating Committee and the Director. Upon submission of a complaint by a local Federal Coordinating Committee or a federated or national voluntary agency, the Director may revoke the designation as a Principal Combined Fund Organization if in his discretion he finds these pledges are not fulfilled.

(c) Applications shall include the following:

(1) The names of the voluntary agencies in the area that rely on the applicant organization for financial support and that meet the eligibility criteria set in this Part;

(2) The boundaries of the area covered by the public donation solicitation of the applicant organization;

(3) The number of dollars raised in the CFC geographic area by the applicant during its last completed annual public solicitation for funds;

(4) The percentage of such dollars disbursed to the charitable agencies;

(5) Agreement to transmit contributions, as designated by Federal employees, to charitable orgnizations in the local CFC (minus only "shrinkage"—that is, uncollectible pledges and gifts—and the approved percentage for administrative cost reimbursement);

(6) Certification that it, and its participating member organizations, are in compliance with all applicable requirements specified in this Part;

(7) Percentage, if any, proposed to be charged by the applicant organization for reimbursement for administrative costs; and

(8) Statement that the applicant organization is organized to provide the necessary campaign services and support to the local Federal Coordinating Committee for a successful Federal compaign in conformance with the policies and procedures prescribed in this Part.

(d) Federated groups, member agencies of federations, and other voluntary agencies shall be eligible to receive designations.

(e) The Principal Combined Fund Organization shall provide a form for the contributor to indicate any amounts he may wish to designate to affiliated and unaffiliated beneficiaries. The Principal Combined Fund Organization shall pay the amount collected to the employee-designated beneficiary agency less "shrinkages" and the amount necessary to reimburse the Principal Combined Fund Organization for administrative expenses.

(f) The percentage, if any, charged for administrative cost reimbursement must be approved in advance by the local Federal Coordinating Committee and published in the campaign literature.

(g) All contributions not designated to specific voluntary agencies or specific federated groups shall be deemed to have been designated to the Principal Combined Fund Organization. A statement of the fact shall be clearly printed in a distinctive typeface in ink of a distinctive color on the face of each pledge card, which shall also state the name of the federated group that is the Principal Combined fund Organization in that local Campaign.

(h) The Principal Combined Fund Organization shall issue a report to the local Federal Coordinating Committee and other interested parties within a reasonable time following the campaign setting forth the following information:

(1) Amounts contributed and pledged,

(2) Number of contributors,

(3) Amounts designated to each participating federated group and voluntary agency,

(4) Amount designated to the Principal Combined Fund Organization,

(5) Amounts of gifts and pledges cancelled and returned, and

(6) Costs of administering the campaign, including the Central Receipt and Accounting Point.

(i) *CFC Committee.* Where necessary, the local Federal Coordinating Committee may designate a committee from among its principal members, called the CFC Committee, to give top leadership and direction to the planning, conduct and evaluation of the local combined campaign. The Federal Coordinating Committee, however, may not redelegate any final authority for the campaign to the CFC Committee. The Chairman of the Campaign need not be the Chairman of the organization designated as the local Federal Coordinating Committee.

(j) *Action Steps by the Local Federal Coordinating Committee.* The Chairman of the local Federal Coordinating Committee is not authorized to establish a Local Joint Work Group of Federal representatives and representatives of the Principal Combined Fund Organization. The Chairman shall direct the Principal Combined Fund Organization to assemble necessary information and data, and to submit a plan detailing materials and a timetable for campaign arrangements. This shall include the dates for preparation, printing and distribution of materials, kick-offs, training sessions, report meetings and award ceremonies. All of these, including the specific materials to be used, shall be submitted to the full local Federal Coordinating Committee for approval on a day to be announced broadly to participating voluntary agencies and federated groups and to the Director. An adequate opportunity shall be provided for participating federated groups and voluntary agencies to review and comment on all proposals.

(k) *Loaned Executive Program.* One or more loaned Federal executives may be used in a Combined Federal Campaign. The Loaned Executive Program was authorized by President Nixon in a memorandum to heads of departments and agencies dated March 3, 1971. A Loaned Executive may be detailed from

his agency on a full or part-time basis, for a specific period of time, to conduct or assist in the operation of a Combined Federal Campaign. The employing agency will decide who will serve as a Loaned Executive, if anyone, and the length of the detail. Executives may not be loaned or assigned to any specific voluntary organization but only to the official Combined Federal Campaign group. When assigned to the CFC, the executive shall be placed on administrative leave.

§ 950.511 Basic local CFC groundrules.

(a) The arrangements outlined in 5 CFR 950.511 through 950.525 constitute basic ground rules for the local Combined Federal Campaign. Certain local variations are permissible if specifically authorized in this Subpart. However, any modification of groundrules in specific instances must be requested by Federal Coordinating Committees from the Director. Modifications will be granted only in the most exceptional circumstances.

(b) The local Federal Coordinating Committee will approve the:

(1) *Campaign Name.* The name will include the words "Combined Federal Campaign;" the year for which contributions are solicited; and approximate identification of the locality; as for example: "1984 San Antonio Area Combined Federal Campaign."

(2) *Campaign Period.* The solicitation period may be any time between September 1 and November 30.

(3) *Campaign Area.* The exact geographical area to be covered by a local campaign will be determined by the Director, taking into account past practice and the feasible scope for a single, coordinated campaign. The jurisdiction of the organization named as the local Federal Coordinating Committee will set the basic area of the Campaign, based upon past practices. Any changes in campaign area must be approved by the Director.

§ 950.513 Contributions.

(a) The contributor's information leaflet will clearly state that the Federal employee is encouraged to direct his gift to specific voluntary agencies. A single form of pledge card and leaflet-brochure will be produced under standards set in this Part, and approved by the Director. The leaflet will explain that when such gifts are earmarked to a specific recipient, the Principal Combined Fund Organization will remit such funds, less approved administrative costs, in accordance with the donor's wishes as those funds are collected. The leaflet will also clearly state that when the Federal employee decides not to designate, the gift will be deemed designated to the Principal Combined Fund Organization for distribution by it. The leaflet should contain no text stating or implying that any Government official will determine the distribution of any gifts deemed designated to the Principal Combined Fund Organization.

(b) Several boxes will be provided on the pledge form so that donors may indicate their choices, if any, to contribute to one or more voluntary agencies or federations. A minimum of three (3) boxes, each no less than 1½ inches in length and no less than ⅛th of an inch in height, will be printed on the face, and on all copies, of the pledge card. Separate designation slips are not authorized under any circumstances. The pledge card must be arranged so that each Federal employee receives the pertinent CFC information and the pledge card as a single package (as examples, inserted in a slot, or a pocket in the contributor's information leaflet). In addition to the statement required by 5 CFR 950.509(g), a statement in bold and distinctive type will be printed to read: "Any health and welfare charity recognized as tax-exempt by the Internal Revenue Service under 26 U.S.C. 501(c)(3) may be designated in the box provided on this card."

(c) In the event that a donor attempts to contribute to an entity that is not a voluntary agency within the meaning of 5 CFR 950.101(a), that is not tax-exempt under 26 U.S.C. 501(c)(3), or that cannot, with minimal reasonable effort, be identified or located, then the donation shall be cancelled and the funds collected, if any, shall be promptly returned to the donor.

§ 950.515 Dollar goals.

(a) A dollar goal for the overall local combined campaign is recommended. Generally, it provides a focus for group spirit and unity of purpose that contributes materially to success. By apportioning the goal equitably among the Federal offices and installations, each Federal agency shares responsibility in the team effort and has a mark by which to gauge its progress.

(b) In developing the proposed goal, the local Federal Coordinating Committee should take into account past giving experience in local Federal campaigns, the needs and reasonable expectations of the voluntary agencies in the current campaign situation, and the probability of a substantial increase in the level of giving due to the single campaign and payroll payment plan. The objective should be to set a goal that is attainable, which can be exceeded in an enthusiastic and purposeful campaign.

(c) Dollar goals are not required. An alternative approach is to rely on "suggested giving" as the principal incentive. For example, the "goal" could be 75 percent participation at the suggested giving level.

§ 950.517 Suggested giving guides and voluntary giving.

(a) Suggested giving guides for contributions are authorized for local campaigns. Guides for cash giving or direct-payment pledges may be included in terms of percent of annual income, number of hours pay, or suggested size of gift in relation to various income levels. Guides may be printed in the contributor's leaflet or on the pledge form. They will be accompanied by a statement explaining that the guide is provided because employees often ask for one, but that the decision to give and the amount is up to each employee.

(b) Federal agencies are not authorized to furnish individual employee suggested giving guides based upon the employee's specific pay or grade; a guide of this kind is comparable to an individual quota or assessment, which is prohibited.

(c) The contributor's leaflet or the pledge form must include the express statement that the employee has the right to make his gift confidentially in a sealed envelope which will be delivered unopened to the Combined Federal Campaign headquarters.

§ 950.519 Central receipt and accounting for contributions.

(a) The Principal Combined Fund Organization shall provide and administer the Central Receipt and Accounting Point or it may arrange for an appropriate financial institution to provide such service on its behalf, under the direction of the local Federal Coordinating Committee. Any charges by such institution to provide the necessary services are the responsibility of the Principal Combined Fund Organization and should be included in the latter organization's administrative costs factor.

(b) The Central Receipt and Accounting Point will tabulate all contributions designated to specified agencies on the pledge cards and then tabulate the contributions designated to the Principal Combined Fund Organization. The amounts payable to the specified voluntary agencies are subject to deduction of "Shrinkage" and of the approved percentage, if any, for reimbursement of administrative costs

to the Principal Combined Fund Organization.

(c) Provision must be made by the Principal Combined Fund Organization for the audit of CFC funds. If the CFC is over $100,000, an audit must be performed by a certified public accountant. Copies of the audits must be submitted to appropriate local Federal officials and made available for inspection by any voluntary agency or federation participating in the CFC.

(d) In addition to the usual method of cash contribution and direct payment of pledges, the use of voluntary payroll withholding is authorized for members of the uniformed services and civilian personnel at CFC locations. Local voluntary agencies may decide whether or not to provide for direct payment of pledges; however, cash contributions must be permitted. Keyworker collection of installment pledges is prohibited.

§ 950.521 Campaign and publicity materials.

(a) Campaign and publicity materials will be developed in the local area under direction of the local Federal Coordinating Committee, and will be printed and supplied by the Principal Combined Fund Organization. All disputes over materials will be resolved by the local Federal Coordinating Committee, except that failure to conform to this Part or to any other directive of the Director may be appealed to the Director. All publicity materials must have the approval of the local Federal Coordinating Committee before being used.

(b) Distribution of any bona fide education material of the voluntary agencies or provision of other services to employees at Federal establishments must be handled through Federal agency personnel, or occupational health, or other appropriate units, and not the CFC coordinators. Voluntary agencies are encouraged to publicize their activities outside Federal facilities, to broadcast messages aimed at Federal employees in an attempt to solicit their contributions, through media and other outlets, and to communicate with Federal personnel in writing through the United States Mail, including United States Mail addressed to them at their Federal workplaces, as long as these do not interfere with Federal Government activities. Federated groups participating in a local campaign are authorized and encouraged to publish informational brochures accurately describing the organizations and activities of their respective member voluntary agencies, and to send such brochures through the United States Mail to Federal personnel at Federal workplaces. Local Federal Coordinating Committees are further authorized to permit the distribution by voluntary agencies of brochures to Federal personnel in public areas at or near Federal workplaces in connection with the local CFC, provided that the manner of distribution accords equal treatment to all voluntary agencies furnishing such brochures for local use, and further provided that no such distribution shall utilize Federal personnel or interfere with Federal Government activities. Nothing herein shall be construed to require a local Federal Coordinating Committee to distribute or arrange for the distribution of any material other than the contributor leaflet and pledge form required by this Part.

(c) A single Contributor's Information Leaflet, and a single, joint Pledge Form and Payroll Withholding Authorization (the latter preferably to be placed in an insert slot or otherwise assembled in the former) are to be distributed by keyworkers to each potential contributor. The Pledge Form and Payroll Withholding Authorization must be one form. All CFC literature, keyworker solicitors, and materials released as a part of the campaign must inform employees of their right to make a choice. Employees will be informed that while the Federal Government encourages its employees to make a choice, it does not mandate that they choose.

(d) Campaign materials must constitute a simple and attractive package that has fund-raising appeal and essential working information. Treatment should focus on the combined campaign and homogeneous appeal without undue use of voluntary agency symbols or other distractions that compete for the contributor's attention. Extraneous instructions concerning the routing of forms, tallying of contributors, etc., which are primarily for keyworkers, must be avoided.

(e) Specific campaign and publicity materials:

(1) *Contributor's Leaflet.* (i) This leaflet will be the only informational material distributed to individual contributors. It will describe the CFC arrangement, explain the payroll deduction privilege, and will include the information required by 5 CFR 950.513. The leaflet should be constructed to contain a pocket or a slot to hold the CFC pledge form.

(ii) The leaflet will provide instructions about how an employee may obtain more specific information about voluntary agencies participating in the campaign, their programs, and their finances. It will also inform employees of their right to pursue complaints of undue pressure or coercion in Federal fundraising activities. The leaflet will advise civilian employees to consult with their personnel offices and military personnel with their commanding officers to identify the organization handling such complaints in their respective Federal agency.

(iii) A Privacy Act notice must be printed on the leaflet.

(iv) Every leaflet shall also contain the following statement: "All contributions not designated to specific voluntary agencies, or specific federated groups, shall be deemed to have been designated to the Principal Combined Fund Organization, which shall, through its eligibility committee of local citizens, choose charities to receive these funds based upon its best perception of community, national and international needs."

(v) The contributor information leaflet must also state that any health or welfare agency organized, qualified, and recognized by the Internal Revenue Service, under 26 U.S.C. 501(c)(3), is eligible for a contribution; that the contributor must clearly identify the beneficiaries and amounts of his gifts; that his gifts are tax deductible; that he has the right not to be improperly influenced in making his decisions regarding the making or withholding of contributions in the CFC; and that he must make his gifts, if any, using the prescribed CFC pledge form. Other than the name of the Principal Combined Fund Organization, which must be stated in the contributor information leaflet in the same limited manner required by 5 CFR 950.509(g) with respect to the pledge form, and shall not otherwise be stated, the contributor information leaflet shall not contain the name of any voluntary charity nor shall it otherwise contain any material that might influence the donor's choice of particular beneficiaries. The leaflet may contain general words of encouragement of the support of private charity, including quotations of the President of the United States, the Director, other Federal officials, and prominent personalities, *provided* that no personality who is not a Federal official shall be featured in the leaflet if he would be, under all the circumstances, reasonably associated by a donor with any particular voluntary agency.

(2) *Optional local list.* At its option, the local Federal Coordinating Committee may include a list of voluntary agencies. This will strictly be at its own option if, in its view, it would facilitate donor understanding. If this

option is chosen, the following rules apply:

(i) The leaflet will list the voluntary agencies approved by the local Federal Coordinating Committee, with only the title of the organization printed and without any statement about, or on behalf of, any agency. Opposite the name of each voluntary agency, a number will be provided beginning with the number 101 so that contributors desiring to indicate a choice of an agency or agencies to which they wish their gift to be directed may insert such number or numbers in the designation boxes provided for that purpose on the pledge form. Each voluntary agency that is a member of a federated group shall be entitled, at its local option, to have that group's initials noted in parentheses following the name of the voluntary agency.

(ii) The listing of voluntary agencies shall be exclusively in strict alphabetical order, beginning with the letter "A," by name of voluntary agency.

(iii) Federated groups shall be listed, in an order set by lot each year, at the end of the list of voluntary agencies, under the title "campaign groups," with their respective identification numbers. The federated group that is the Principal Combined Fund Organization shall be so identified.

(iv) The following statement shall be printed, following the list of federated groups, in bold letters and distinctive type: "The above list is not an exhaustive list of the voluntary health and welfare charities to which you may designate all or part of your contribution. The list is illustrative only. Any health or welfare charity recognized as tax-exempt by the Internal Revenue Service under 26 U.S.C. 501(c)(3) may be designated on the blank space provided on the pledge card. You must write the full and correct name of the charity that you designate as the recipient of your gift. Please be sure that your writing is legible. If you write in the name of an unqualified organization or of an organization that cannot be located, or if your writing cannot be read, then your pledge or gift will be cancelled and returned to you."

(v) The Principal Combined Fund Organization upon receiving pledge forms containing designations to specified agencies whose names are written-in by contributors shall request each agency so designated to certify in writing that it is a charitable health and welfare entity organized, qualified, and recognized by the Internal Revenue Service, under 26 U.S.C. 501(c)(3) and that it complies with all standards of integrity of operations and reporting required by this Part. Such certification by an employee-designated beneficiary agency shall be sufficient basis for the Principal Combined Fund Organization to proceed with the payment process. This process of self-certification comports with the principles set forth at 5 CFR 950.401.

(3) *PCFO report in lieu of optional local list.* In the event, and only in such event, that the local Federal Coordinating Committee elects not to provide an optional local list as permitted by 5 CFR 950.521(e)(2), the Principal Combined Fund Organization shall provide a report of all organizations that were desginated by donors or by the Principal Combined Fund Organization to receive funds from the local campaign held in the preceding year. Such report shall consist of a roster of the beneficiary organizations, grouped by category of service, listed within each category in strict alphabetical order, and accompanied by a description (not to exceed 25 words and figures) of each organization's charitable programs; an organization may, at its election, note in parentheses after its name the initials of the participating federated group, if any, to which it belongs. Such report shall clearly state that it is a list of the recipients of all valid donations made in the immediately preceding campaign; that it is not an exhaustive list of organizations eligible to receive gifts through the CFC; and that the presence or absence of the name of any organization implies neither governmental approval nor governmental disapproval of any group or program. Such report shall conform, in all respects not inconsistent with the express provisions of this subsection, with the requirements of fairness and the safeguards against coercion and undue influence that are set forth in 5 CFR 950.521(e)(1). The Principal Combined Fund Organization shall endeavor to transmit a copy of such report individually to each Federal employee in the local campaign area; in the event, however, that such form of distribution would not be cost effective or timely or would be impracticable, then the Principal Combined Fund Organization shall provide such report to Federal employees in the local campaign area by, at a minimum, publishing such report at least once within the 10 days immediately preceding the commencement of the local campaign in a newspaper of general circulation within the local Federal community; making such report available to each key-worker to assist individual donees; and maintaining copies of the report available for public inspection during reasonable business hours at every office of the Principal Combined Fund Organization in the local campaign area. The Principal Combined Fund Organization shall submit the report to the local Federal Coordinating Committee for its review and approval prior to any publication or issuance thereof.

(4) *Pledge form and payroll withholding authorization.* (i) A copy of the pledge form shall be used to inform the Central Receipt and Accounting Point for the local area of the designation decisions. The format for the pledge card is prescribed by the Director and is available from the Office of Personnel Management.

(ii) One copy of this form will be used as the Payroll Withholding Authorization. When completed, this copy will go to the contributor's payroll office. Since there are some 1,400 separate payroll offices serving Federal personnel, the withholding authorization must be in a standard format and bear adequate identification of the local campaign.

(iii) The name and mailing address of the local CFC Central Receipt and Accounting Point will be printed at the top of the form. The name must be the same as that for the campaign and include the year: for example, "1984 San Antonio Area Combined Federal Campaign."

(iv) The box entitled "Identification No." will be used for the contributor's Social Security number, except in the case of Federal agencies that have a separate payroll identification numbering system. There is no requirement to use this space and it should only be used when it aids in accounting or campaign management.

(f) Other campaign materials that are authorized include:

(1) *Chairman's Guide.* For use of campaign chairmen in individual Federal installations;

(2) *Keyworker's Guide.* Instructions for keyworkers about CFC arrangements, solicitation methods, and forwarding procedures;

(3) *Keyworker's Report Envelope.* With tally sheets (which may be printed on the envelope) on which the keyworker will list the names of contributors or the number of confidential envelopes enclosed;

(4) Miscellaneous Campaign Items. Contributor's receipts, window stickers, posters, progress charts, awards, etc.;

(5) *Publicity Items.* News stories and fillers for the local press and house organs, employee letters, speeches of campaign leaders, division chairmen, films, television and radio material supporting the campaign; and

(6) *Awards.* To recognize campaign achievements by Federal agencies, Federal agency chairmen, etc. Awards should be identified as "Combined Federal Campaign" awards. The presentation of awards and plaques by individual voluntary agencies or categories of voluntary agencies for CFC accomplishments is not permitted.

(g) National materials provided and made available for use by local CFCs will be developed by an organization named by the Director. The Director will provide opportunity for comment on such materials by interested parties prior to approval. He must approve all material prior to use.

§ 950.523 Payroll withholding.

The following policies and procedures are authorized for payroll withholding operations in accordance with Office of Personnel Management regulations in 5 CFR Part 550, Pay Administration.

(a) *Applicability.* Voluntary payroll allotments will be authorized by all Federal departments and agencies for payment of charitable contributions to local Combined Federal Campaign organizations.

(b) *Allotters.* The allotment privilege will be made available to Federal personnel as follows:

(1) Employees whose net pay regularly is sufficient to cover the allotment are eligible. An employee serving under an appointment limited to 1 year or less may make an allotment to a Combined Federal Campaign when an appropriate official of the employing Federal agency determines the employee will continue his employment for a period sufficient to justify an allotment. (This includes part-time and intermittent employees who are regularly employed.)

(2) Members of the Uniformed Services are eligible, excluding those on only short-term assignment (less than 3 months). (The Department of Defense has modified its military pay allotment regulations to authorize allotments for CFC charitable contributions by uniformed service members.)

(c) *Authorization.* (1) Allotments will be wholly voluntary and will be based upon contributors' individual written authorizations.

(2) Authorization forms in standard format will be printed by the Principal Combined Fund Organization at each location. The forms and other campaign materials will be distributed to employees when charitable contributions are solicited.

(3) Completed payroll withholding authorization forms should be transmitted to the contributors' servicing payroll offices as promptly as possible, preferably by December 15. However, if forms are received after that date they should be accepted and processed by payroll offices.

(d) *Duration.* Authorizations will be in the form of a term allotment for one full year—26, 24 or 12 pay periods depending upon the allotter's pay schedule—starting with the first pay period beginning in January and ending with the last pay period that begins in December. (The standardization of beginning and ending dates, except for individual discontinuances, is intended to simplify payroll operations and minimize costs.) However, the fact that an employee or military member will not be on duty for the full year should not preclude acceptance of a payroll allotment if he has sufficient time in service remaining to make the allotment practicable. Three months or more would be considered a reasonable period of time for which to accept an allotment.

(e) *Amount.* (1) Allotters will make a single allotment that is apportioned into equal amounts for deductions each pay period during the year.

(2) The minimum amount for allotment will be determined by the local Federal Coordinating Committee but will be not less than $1.00 bi-weekly, with no restriction on size of increment above that minimum.

(3) No change of amount will be authorized during the term of an allotment.

(4) For the purpose of simplicity and economy in payroll operations, no deduction will be made for any period in which the allotter's net pay, after all legal and previously authorized deductions, is insufficient to cover the allotment. No adjustment will be made in subsequent periods to make up for deductions missed.

(f) *Remittance.* (1) One check will be sent by the payroll office each pay period, in the gross amount of deductions on the basis of current authorizations, to the Central Receipt and Accounting Point at each location for which the payroll office has received allotment authorizations.

(2) The check will be accompanied by a statement identifying the agency and the number of employee deductions. There will be no listing of allotters included or of allotter discontinuances.

(g) *Discontinuance.* (1) Allotments will be discontinued automatically:

(i) On expiration of the one-year withholding period; or

(ii) On death, retirement, or separation of allotter from the Federal service, whichever is earlier.

(2) The allotter may revoke his authorization at any time by requesting it in writing from the payroll office. Discontinuance will be effective the first pay period beginning after receipt of the written revocation in the payroll office.

(3) A discontinued allotment will not be reinstated.

(h) *Transfer.* (1) When an allotter moves to another organizational unit served by a different payroll office in the same CFC location, whether in the same office or a different department or agency, his allotment authorization will be transferred to the new payroll office.

(2) When there is a delay in receiving the transferred authorization in the new payroll office, or when the allotter moves to a location covered by another CFC, the allotter should be permitted to complete a new authorization for the remainder of the one-year withholding period, which will supersede and revoke his previous authorization.

(3) When the allotter moves to a location not covered by a CFC, the allotment will automatically be terminated unless expressly continued by the individual.

(i) *Accounting.* (1) Federal payroll offices will oversee establishment of individual allotment accounts, deductions each pay period, and reconciliation of employee accounts in accordance with agency and General Accounting Office requirements. The payroll office will accept responsibility for the accuracy of remittances, as supported by current allotment authorizations, and internal accounting and auditing requirements.

(2) The Principal Combined Fund Organization is responsible for the accuracy of transmittal of contributions. It shall transmit at least monthly for campaigns of $100,000 or more or quarterly if less than that amount, minus only the shrinkage factor and approved percentage for administrative cost reimbursement. It shall remit contributions, less approved administrative costs and shrinkage, to each agency or to the federated group, if any, of which the agency is a member if all member agencies of that federated group, participating in the local campaign, agree. It shall notify the federated groups, as soon as practicable after the completion of the campaign (but in no case more than 60 days thereafter), of the amounts, if any, designated to them and their member agencies and of the amounts of deemed-designated contributions, if any, allocated to them and their member agencies.

(3) Federated and national voluntary agencies, or their designated agents, will accept responsibility for: (i) the accuracy of distribution among the voluntary agencies of remittances from the Principal Combined Fund Organization; and (ii) arrangements for independent audit agreed upon by the participating voluntary agencies.

§ 903.525 National coordination and reporting.

(a) The Office for Regional Operations, U.S. Office of Personnel Management, is responsible under the Director for CFC arrangements.

(b) Each local Federal Coordinating Committee shall notify the Office for Regional Operations of OPM of its campaign areas, chairman's name, address, and telephone number, and the address of its Central Receipt and Accounting Point.

(c) All chairmen of local Federal Coordinating Committees shall furnish reports of campaign results to the Office of Regional Operations of OPM no later than January 15 of each year. OPM will furnish a reporting format to local Federal Coordinating Committees prior to that date requesting information on the results of the campaign, including the following:

(1) Basic data (number solicited, number of contributors);

(2) Payroll deductions (number authorizing, total pledged);

(3) Designations;

(4) Returned or cancelled gifts or pledges;

(5) Amount of undesignated receipts received by Principal Combined Fund Organization;

(6) Campaign costs; and

(7) Narrative summary evaluation of CFC arrangement based upon campaign experience. Copies of the report will be furnished to the local Federal Coordinating Committee, the Principal Combined Fund Organization, and participating federated groups. A copy will be made available for inspection by participating voluntary agencies and Federal employees.

(d) All local activities will be coordinated with the national campaign under guidance and procedures issued by the Director through the Federal Personnel Manual system and a handbook of instructions (or other appropriate issuance) for use by participating voluntary organizations.

(e) Any decision of a local Federal Coordinating Committee that is appealed to the Director by any charitable agency or charitable federated group shall be given due weight by the Director. Any such appeal shall be looked upon with disfavor unless it raises a substantial question of fairness, construction of these regulations, or application of the policies, procedures, directives, and guidance of the Director. Unless the Director orders otherwise, all burdens of proof, of persuasion, and of going forward shall be borne by the appellant. An appeal may be dismissed as untimely unless it is received by the Director within the ten (10) days next following after the appellant has received actual or constructive notice of the decision from which the appeal is taken. Every appeal shall be submitted in writing; shall set forth a concise statement of the decision from which the appeal is taken, the grounds for the appeal, and the relief sought by the appellant; and shall be accompanied by written proof that copies thereof have been served upon the local Federal Coordinating Committee and any other proper party in interest whose participation in the appeal may be appropriate for the just disposition thereof. Except in extraordinary circumstances, the Director shall not consider any evidence or argument that was not first presented to the local Federal Coordinating Committee. The local Federal Coordinating Committee and any other proper party in interest may respond to the appeal. Every response, to be timely, shall be received by the Director within the five (5) days next following after the respondent has received actual or constructive notice of the appeal. Every response shall be submitted in writing; shall set forth a concise statement of the facts and arguments that the respondent believes are material; and shall be accompanied by written proof that copies thereof have been served upon the appellant and any other proper party in interest. The Director may, for good cause, extend or shorten the time limits herein set forth and waive requirements for written submissions and proofs of service. The Director may, in his sole discretion, and on his own motion, review any decision of a local Federal Coordinating Committee and stay any decision of a local Federal Coordinating Committee pending his review thereof. All decisions of the Director shall be final, and shall be executed forthwith by the local Federal Coordinating Committee or by such other person or entity as the Director may direct to do so, in the manner and within the time directed by the Director.

[FR Doc. 84-21869 Filed 8-14-84; 1:40 p.m.]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 254

Food Distribution Program on Indian Reservations; Oklahoma Tribes Eligibility

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Final regulations.

SUMMARY: These final regulations, based on existing Food Distribution Program regulations and on the specific provisions of Pub. L. 97-98 regarding Oklahoma, set requirements for eligibility of tribes to operate a Food Distribution Program (FDP) in Oklahoma. The intent of the regulations is to allow Indian households in Oklahoma to participate in the FDP. The rules incorporate pertinent parts of existing regulations, 7 CFR Part 253, and set procedures for the tribal application process.

EFFECTIVE DATE: These regulations are effective August 16, 1984.

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Administration Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Telephone: (703) 756-3660.

SUPPLEMENTARY INFORMATION:

Classification. This final rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been classified "not major." The final rule will not have an annual effect on the economy of $100 million or more, nor is it likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. Because this final rule would not affect the business community, it would not result in significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-54, 94 Stat. 1164, September 19, 1980). Mr. Robert E. Leard, Administrator, Food and Nutrition Service has certified that this action has no economic impact on small entities.

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the reporting and recordkeeping provisions that are included in this

regulation were approved by the Office of Management and Budget (OMB), on April 17, 1984. The approval number assigned to Part 254 by OMB is OMB number 0584–0316.

On June 19, 1979, the Department published regulations at 44 FR 35904 (originally Part 283; now designated as Part 253) to implement the Food Distribution Program on Indian Reservations (FDPIR) throughout the nation. In the supplementary information published with those regulations, the eligibility of tribes to run the FDPIR was addressed. However, the unique status of Oklahoma Indian land holdings made it difficult to apply the FNS rules designed for the United States as a whole.

Much of the discussion about Oklahoma in the June 19, 1979, final regulations centered on the definition of a reservation (44 FR 35904–35906). Pub. L. 97–98 resolved those difficulties by specifically authorizing an FDP for Oklahoma based on special standards for Oklahoma. Pub. L. 97–98 allows the Secretary to determine program eligibility using any or all of the following criteria:

(a) The extent and nature of the governmental jurisdiction which a tribal organization exercises or has authority to exercise over the land on which the household resides;

(b) Whether the household resides in "Indian Country" as defined in section 1151 of Title 18, United States Code;

(c) Whether the household resides within an Indian service area designated by the Bureau of Indian Affairs (BIA), United States Department of the Interior;

(d) The tribal membership or Indian status of persons in the household; and

(e) Whether the household resides in an urban area.

These regulations use the criteria in the statutory Amendments in Pub. L. 97–98 in combination with existing regulations (Part 253) to meet the unique needs of low-income Indian households in Oklahoma. These regulations incorporate all of Part 253, except where specifically modified. Part 254 regulations modify Part 253 primarily in the areas of tribal eligibility to operate a food distribution program and in defining Indian lands.

Interim rules outlining Oklahoma tribes eligibility for the FDPIR were published in the **Federal Register** on January 11, 1983 (7 CFR 1168–1171). Comments from interested parties were received by the Department through April 11, 1983.

Six tribes have implemented programs, providing food items to participants in their service areas. All indications are that the programs are operating well, with few operational problems. The FNS Southwest Regional Office and the FNS field office staffs have provided technical assistance and guidance to these programs. As a result of the collaborative efforts of the Tribal officials, Indian households, FNS Regional Office, and field staffs; these programs have been operating smoothly. Based on this operational experience and careful review of the comments, the Department is keeping the basic framework of the January 11 regulations intact with few modifications. These changes are based on the FNS experience with the Oklahoma programs and on the comment letters received by the Department.

Definitions. The Chickasaw Nation requested that the definition of Indian Tribal Household in § 254.2(d) be changed to read "a household in which at least one Indian person resides". They felt that a household with an Indian child should be eligible for participation in the Program. However, we will retain the definition published in the Interim regulations which requires an adult to be the qualifying Indian household member. The Department believes, for a household to be considered an Indian household, at least one adult member should be Indian. Households in which the adult members are all non-Indian should not be considered as Indian Households. The Department believes that it could, in many circumstances, be very difficult for even the ITO to determine the Indian status of children living with non-Indians. Adults can much more easily testify, verify or otherwise assist in the determination of their status as Indians or non-Indians. Moreover, as a nutritional backup protection, low-income households containing an Indian child could apply for food stamps. Also, the Department has left the definition of who qualifies as an Indian up to the Indian Tribal Organization (ITO). This policy allows for the diversity of ways that each ITO decides who are Indian members.

FNS Mountain Plains Regional Office asked why the definition of an Indian tribal household for Oklahoma was changed from the Part 253 regulations. The existing Part 253 definition requires that an *appropriate* ITO recognize an adult as a tribal member. The proposed definition requires recognition by an ITO. The unique land ownership-tribal jurisdiction system in Oklahoma could create instances whereby a given service area may contain more than one Indian tribe. The ITO serving that area (rather than an "appropriate" ITO) would be responsible for serving all Indian households in that service area. Consequently, an Indian household living in a specific service area may be served by an ITO which is not their tribe. Therefore, the definition of an "Indian tribal household" is a household in which at least one adult household member is recognized as an Indian by an ITO. If the ITO application of this definition results in problems, FNS will consider making appropriate changes.

Two commenters asked that the definition of "exercise of governmental jurisdiction" be clarified. The Food Research and Action Center wanted the Department to state which specific Bureau of Indian Affairs (BIA) regulations were referenced; either those regulations under which tribal constitutions and by-laws are approved, or general BIA rules which acknowledge aspects of tribal governmental authority. To clarify this point, these regulations cite the Oklahoma Indian Welfare Act (49 Stat. 1967; 25 U.S.C. 501, et seq.) and the corresponding BIA regulations (25 CFR Part 81 et seq.) which implement the Act. These BIA regulations approve tribal constitutions and by-laws of Indian Tribes. Section 254.2(a) is changed accordingly.

The Muscogee Nation asked that we expand the definition of "exercise of governmental jurisdiction" to include the "exercise of inherent or reserved sovereign powers". The Department is not expanding the definition for several reasons. The Indian Reorganization Act recognizes tribes as political units and permits the formation of Indian tribal organizations. The Oklahoma Indian Welfare Act extends most provisions of the Indian Reorganization Act to Oklahoma tribes. Most Oklahoma tribes are organized under the Oklahoma Indian Welfare Act which is implemented by BIA regulations 25 CFR Part 81 et. seq. The Department believes that it is important to have a definitive rule which clearly identifies which tribes are eligible to apply for the FDP.

Moreover, the Department feels that this regulation, as stated in Part 254, is sufficient to include all otherwise eligible Oklahoma tribes. In the comments no tribe stated that it would have been otherwise eligible except for such a definition. However, if this definition excludes an otherwise eligible tribe, the Department will review the situation to determine on a case-by-case basis whether operation of a FDP by that tribe would further the purpose of Pub. L. 97–98. Should there be an otherwise eligible tribe which would be excluded by the Part 254 definition, and whose members could not be adequately served by another ITO, the

Department may publish a future amendment to address the specific problem. In the meantime, the Department will retain the definition of exercising governmental jurisdiction as published in the Interim regulations.

Application Procedures. The FNS Southwest Regional Office recommended a provision allowing for the selection of the most capable tribe where more than one tribe wanted to serve the same area. They explained that it is difficult to determine boundaries in Oklahoma, and some tribes share historical boundaries. Consequently, there are some cases where multiple tribes claim the same FDP service area. Many tribes could be determined capable of administering one FDP, but it would not be feasible to have more than one tribe operating the program in the same area. Therefore, the Department is adding a provision to Part 254 that will allow FNS to select the Oklahoma tribe that appears to be capable of administering a FDP. If this rule becomes difficult to administer, the Department will consider issuing precise standards to determine relative capability among tribes or will develop some other approach to this issue. However, until it is apparent that these matters cannot be satisfactorily worked out, this Department does not believe a precise rule is appropriate or necessary.

The Muscogee Nation felt that the references to Part 253 in the Interim regulations allowed them to comment on Part 253. The Muscogee Nation requested a change in the current seven-day response time in the participant application process. They asked that the processing time be increased to 30 days. The Muscogee Nation felt that the current response period does not allow either the applicant or the certifier adequate time to prepare for application in the FDPIR. The Department is considering this comment regarding other regulations that the Department is presently drafting. It is anticipated that such a Part 253 proposal may be published in the next several months. In the meantime, the Department and applicant tribes will gain more experience regarding whether there is a need for a lengthier application response time period. These rules maintain the seven-day period which is consistent with current Part 253 regulations.

Household Eligibility. The Department received 11 comment letters on this aspect of interim regulations. The majority of the comments requested that the regulations be amended to allow participation by Indians living in urban places. They felt eligible households should be given the option of enrolling in either a Food Stamp Program or a Food Distribution Program wherever they lived. They also felt that by restricting service to non-urban places, certain elderly or low-income households in subsidized housing would not be eligible. The Ponca Tribe felt strongly that tribal members who have located to nearby urban places within the FDP service area were "being deprived of badly needed food assistance and are bring generally discriminated against because of where they choose to live geographically".

The FDPIR was developed to provide food assistance to needy households on Indian reservations. The legislative history regarding the Food Stamp Act of 1977 indicated a need for a FDPIR in rural reservation areas where the food stamp program was not readily available or where there were no convenient food stores. *House Report* 95–464, 95th Cong., 1st Sess., June 24, 1977 and *Senate Report* 95–180, 95th Cong., 1st Sess., May 19, 1977.) To deal with this same problem regarding rural near reservation areas and for other reasons set out at 44 FD 35912 (June 19, 1979), regulations were published in 1979 which allowed for issuance of commodities to Indian tribal households living near the reservation. The intent of FDPIR is not to replace the Food Stamp Program. For example, *Senate Report* 95–180, 95th Cong., 1st Sess., May 16, 1977, mentioned that "some areas, especially those near cities or towns, may be served by food stamps. Other more remote areas may best be served by the FDP or by concurrent operaton".

The Department feels that prohibiting the FDPIR in urban places with a population of 10,000 or more (where food stamp benefits may be conveniently used) comforms to the original intent of the Program. The Department believes that ITOs should provide FDP service to households in rural areas rather than include urban areas where food stamp benefits are available.

The urban place ruling is applicable in Oklahoma despite the fact that Indian land areas there do not conform to the regular reservation patterns observed in the other States. However, program service areas can be defined by a variety of standards. Geographical limitations are only one method. For example, the Department has recently granted an urban area exception. Bemidji, Minnesota exceeds the 10,000 population limit by a few hundred people. The ITO serving that area petitioned the Department to include Bemidji in its service area emphasizing the tirbal members' cultural ties. The Department examined the justifying factors presented by the ITO and granted a waiver to the ITO to serve eligible tribal members living in Bemidji. The Department feel this system can also be applied to ITOs in Oklahoma. Each situation will be judged on its own merits. Therefore, the Department will retain §§254.2(g) and 254.5(b), but will add a provision to 254.5(b), which will allow an ITO to request a change in the urban place limitation with justification. This provision will remain effective until September 30, 1985, since the Department is in the process of reconsidering its policy of urban area exceptions for the entire program. Instead of granting such exceptions, one option is to revise the minimum threshold for an urban place.

General. The Mountain Plains Regional Office asked that we clarify why non-Indians were excluded from the Oklahoma Food Distribution Program. Pub. L. 97–98 explicitly authorizes the Secretary of Agriculture to establish a FDP in Oklahoma to provide commodities only to eligible Indian households as the Secretary deems appropriate. Oklahoma is unique in terms of Indian land holdings, allotments and trust lands. In many cases it is difficult to identify boundaries which correspond to reservation boundaries as in other States Therefore, the Department has delineated eligibility based on the primary intended program beneficiaries, Indians, rather than on geographic areas. The Oklahoma FDP is in general directed at Indian households in that State, not at specific land areas. Furthermore, by limiting participation to Indian households, limited resources will not be spent on serving substantial numbers of non-Indians. Congressional intent for the program is to serve primarily low-income Indian households. The most feasible method appears to be to limit the program in Oklahoma to Indian households.

One commenter asked for clarification of an FNS service area. The FNS Service area includes tribal lands and any near areas identified by a tribe and approved by FNS as its FDPIR service area. This area may or may not follow the boundaries of the BIA service area. It may not include urban places with a population of 10,000 or more unless an exception is granted by FNS. The general rule is if an area is part of an FNS service area, then it is part of a FPD.

The Food Research and Action Center asked that we develop objective criteria to use when approving or disapproving service to near areas. The Department

has examined this aspect of program boundaries several times without reaching a conclusion that would be applicable to all situations. The Department believes the best approach in identifying service areas is to confer with the applicant ITO. The areas to be served will depend upon geographic distance, numbers of households, cost and efficiency of operations and ease of implementation. Consequently, each case must be examined individually to determine the service areas which would best serve the tribal members. A single set of criteria cannot be used by FNS when approving or disapproving service areas. However, should experience indicate a need for precise standards, the Department will reconsider this issue.

List of Subjects in 7 CFR Part 254

Administrative practice and procedure, Food assistance programs, Grant programs/social programs, Indians, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR is amended by revising Part 254 as follows:

PART 254—ADMINISTRATION OF THE FOOD DISTRIBUTION PROGRAM FOR INDIAN HOUSEHOLDS IN OKLAHOMA

Sec.

Authority: Public Law 97–98, section 1338; Pub. L. 95–113.

(Catalog of Federal Domestic Assistance No. 10.550)

§ 254.1 General purpose.

This part sets the requirement under which commodities (available under Part 250 of this chapter) may be distributed to households residing in FNS service areas in Oklahoma. This part also sets the conditions for administration of the Food Distribution Program by eligible Oklahoma tribes determined capable by the Department.

§ 254.2 Definitions.

(a) "Exercises governmental jurisdiction" means the exercise of authorities granted to ITOs under the Oklahoma Indian Welfare Act of 1936 or by BIA regulations (25 CFR Part 81 et. seq.).

(b) "FNS service area" means the areas over which FNS has approved the food distribution program in Oklahoma, excluding urban places unless approved by FNS under 254.5(b).

(c) "Food Distribution Program" means a food distribution program for households on Indian reservations administered pursuant to Section 4(b) of the Food Stamp Act and 1304(a) of Public Law 97–98.

(d) "Indian tribal household" means a household in which at least one adult household member is recognized as an Indian by an ITO.

(e) "Indian tribal organization (ITO)" means (1) any Indian tribe, band, or group organized under the Oklahoma Indian Welfare Act of 1936, and which has a tribal organization approved by the Bureau of Indian Affairs; (2) a tribal organization established and approved under Federal regulations issued by the Bureau of Indian Affairs; or (3) an intertribal council authorized by eligible tribes to act in behalf of the tribes to operate the program.

(f) "State agency" means the ITO of an Indian tribe, determined by the Department to be capable of effectively administering a Food Distribution Program, or an agency of State government, which enters into an agreement with FNS for the distribution of commodities on an Indian reservation.

(g) "Urban place" means a town or city with a population of 10,000 or more.

§ 254.3 Administration by an ITO.

(a) *Applicability of Part 253.* All of the provisions of Part 253 are herein incorporated and apply to Part 254, except as specifically modified by Part 254.

(b) Section 253.4 Administration, does not apply and is replaced by § 254.3.

(c) *Federal Administration.* Within the Department of Agriculture, the Food and Nutrition Service (FNS), shall be responsible for the Food Distribution Program. FNS shall have the power to determine the amount of any claim and to settle and adjust any claim against an ITO.

(d) *ITO Administration.* The ITO, acting as State agency, shall be responsible for the Food Distribution Program within the approved FNS service areas if FNS determines the ITO capable of effective and efficient administration.

(e) *Qualification as an ITO.* The ITO of a tribe in Oklahoma must document to the satisfaction of FNS that the ITO meets the definition of an ITO in § 254.2, is organized under the provisions of the Oklahoma Indian Welfare Act of 1936 or has a tribal organization established and approved under BIA regulations.

(The information collection requirements contained in paragraph (e) were approved by the Office of Management and Budget under control number 0584–0316)

§ 254.4 Application by an ITO.

(a) *Application to FNS Regional Office.* An ITO which desires to participate in the Food Distribution Program shall file an application with the FNS Regional Office. The application shall also provide other information requested by FNS, including but not limited to, the tribe's qualification as a reservation as described in § 254.2, paragraph (f). Properly addressed applications shall be acknowledged by the FNS Regional Office in writing within five working days of receipt. FNS shall promptly advise ITOs of the need for additional information if an incomplete application is received.

(b) *Tribal capability.* (1) In determining whether the ITO is potentially capable of effectively and efficiently administering a Food Distribution Program in an FNS Service area, allowing for fulfillment of that potential through training and technical assistance, FNS shall consult with other sources such as the BIA, and shall consider the ITO experience, if any, in operating other government programs, as well as its management and fiscal capabilities. Other factors for evaluation include, but are not limited to, the ITO's ability to:

(i) Order and properly store commodities,

(ii) Certify eligible households,

(iii) Arrange for physical issuance of commodities,

(iv) Keep appropriate records and submit required reports,

(v) Budget and account for administrative funds,

(vi) Determine the food preferences of households, and

(vii) Conduct on-site reviews of certification and distribution procedures and practices.

(2) FNS shall make a determination of potential ITO capability within 60 days of receipt of a completed application for the Food Distribution Program. FNS may, however, extend the period for determination of ITO capability if FNS finds that a given ITO's eligibility under § 254.3 is difficult to establish.

(3) FNS shall, if requested by an ITO which has been determined by FNS to be potentially capable of administering a Food Distribution Program, provide the ITO's designees with appropriate training and technical assistance to prepare the ITO to take over program administration. In determining what training and technical assistance are necessary, FNS shall consult with the ITO and other sources, such as the BIA.

(c) *Most capable tribe.* In cases where two or more applicant tribe(s) have

overlapping boundaries, FNS shall select the tribe most capable of administering a FDP within that service area.

(The information collection requirements contained in paragaph (a) were approved by the Office of Management and Budget under control number 0584–0316)

§ 254.5 Household eligibility.

(a) *Certification Procedures.* All applicant households shall be certified in accordance with the eligibility and certification provisions in § 253.6 and § 253.7.

(b) *Urban places.* No household living in an urban place in Oklahoma shall be eligible for the Food Distribution Program on Indian Reservations. However, an ITO can request the Department to grant individual exemptions from this limitation upon proper justification submitted by the ITO as determined by FNS. Such exceptions shall be available until September 30, 1985.

(c) *Eligible Households.* Only Indian tribal households, as defined in § 254.2, may be eligible for the Food Distribution Program in FNS service areas.

(The information collection requirements contained in paragraph (a) were approved by the Office of Management and Budget under control number 0584–0316)

Dated: August 9, 1984.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 84–21853 Filed 8–15–84; 8:45 am]

BILLING CODE 3410–30–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9000]

International Telephone & Telegraph Corporation, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: For reasons set forth in the Commission's Opinion, this final order reverses the ALJ's initial decision, denies complaint counsel's appeal, grants appeal of respondents and dismisses the complaint charging a New York City conglomerate and its wholly owned baking company subsidiary with alleged violations of Sec. 5 of the Federal Trade Commission Act and Sec. 2(a) of the Clayton Act, as amended by the Robinson-Patman Act. The complaint had alleged that the baking company had attempted to monopolize the white bread product sales market in five geographic areas and had caused competitive injury in those markets, by, among other things, engaging in predatory or discriminatory pricing practices for significant periods of time.

DATES: Complaint issued November 26, 1974. Final Order issued July 25, 1984.*

FOR FURTHER INFORMATION CONTACT: FTC/G 402–1, Jerry A. Philpott, Washington, D.C. 20580, (202) 254–7051.

SUPPLEMENTARY INFORMATION: In the Matter of International Telephone & Telegraph Corporation, a corporation, and ITT Continental Baking Company, Inc., a corporation.

List of Subjects in 16 CFR Part 13

Bakery products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

Commissioners: James C. Miller III, Chairman, Michael Pertschuk, Patricia P. Bailey, George W. Douglas, Terry Calvani.

In the Matter of International Telephone & Telegraph Corporation, a corporation, and ITT Continental Baking Company, Inc., a corporation; Docket No. 9000.

Final Order

This matter has been heard by the Commission upon the appeals of complaint counsel and respondent from the initial decision and upon briefs and oral argument in support of and in opposition to the appeals. For the reasons stated in the accompanying Opinion, the Commission has determined to reverse the initial decision. Respondent's appeal is granted and complaint counsel's appeal is denied. Accordingly,

It is ordered, That the complaint is dismissed.

By the Commision, Commissioners Pertschuk and Bailey dissenting in part and concurring in part.

Issued: July 25, 1984.

Benjamin I. Berman,

Acting Secretary.

Commissioner Patricia P. Bailey, Concurring in Part and Dissenting in Part ITT Continental Baking Co. Inc., Docket 9000**

July 25, 1984.

After I presented the draft of this opinion to the Commission for consideration, it became clear that the Commission was unanimous in its view as to the disposition of most of the case. That is, regardless of the cost standard used to define "predatory pricing," those parts of the case involving St. Paul/Minneapolis, Denver, Northern California and Southern California, should be dismissed for failure to establish a violation of either section 2 of the Sherman Act or section 2(a) of the Robinson-Patman Act.

A majority of the Commission, however, disagreed with the cost standard contained in my draft and therefore disagreed also with that section of the draft involving Cleveland because the standard presented resulted in a finding of Robinson-Patman primary line liability in that market.

Thus, I concur in the opinion of the Commission in this case with respect to the dismissal of all Sherman Acts charges and all Robinson-Patman charges outside of Cleveland, although I do not necessarily ascribe to various modifications as to nuance and emphasis in those portions of the opinion. In particular, as I stated in connection with the final decision in *General Foods Corporation*, Docket 9055, I do not agree that product differentiation is only rarely an entry barrier. Nor do I see the necessity for a lengthy discussion of national market trends when the focus of the case is on local markets.

The crux of my dissent concerns the question of how to distinguish a predatory price from a legitimate competitive price. The majority's approach is too rigid and, as we are dealing with a still developing and controversial area of law, their approach is prematurely strict.

Predatory Pricing

Few issues in antitrust law have produced such a gallimaufry [1] of economic theory and legal precedent. Since 1975 there has been "a virtual explosion in the legal and economic literature dealing with predatory pricing." Brodley & Hay, *Predatory Pricing: Competing Economic Theories and the Evolution of Legal Standards*, 66 Cornell L. Rev. 738, 740 (1981). At least nine different economic theories for detecting predation have been advanced,[2] and the courts have been

* Copies of the Complaint, Initial Decision, and Opinion of the Commission filed with the original document.

** Commissioner Pertschuk joins in this separate statement.

[1] "This is one of the greatest Gally-maufries that ever I saw; but it was intended as an Antiodote against Plague." Salmon, *Pharm. (1678)*

[2] The seminal discussion recommended a short-run marginal cost pricing rule using average variable cost as a practical surrogate for marginal cost. Areeda & Turner, Predatory Pricing and

Continued

both selective and idiomatic in applying these tests.[3] In these circumstances it is neither fruitless nor presumptious for the Commission to forge its own rule. However, that rule should be a flexible, cautious one, capable of assimilating new learning on the subject and avoiding excessive leniency or harshness to either plaintiffs or defendants. The majority's approach, it seems to me, is less an analytical tool than a conclusory statement which can fairly be characterized as follows: Price discriminations are either harmless or justified, thus, price predation does not exist. I cannot share their confidence on this point; nor do I believe there would be such an outpouring of academic and judicial debate if the issue were all that clear.

Accordingly, my approach, described more fully below, would be a phased series of structural and firm-specific inquiries, incorporating a cost-price benchmark for legality which varies depending on the circumstances of the case. While I agree with the majority that prices above average total cost (ATC) are legal, I disagree strongly with the "often conclusive" presumption of legality they assign to prices below ATC but above average variable cost (AVC). As my analysis of the Cleveland market demonstrates, I believe such prices can be predatory, particularly as they approach the AVC line and if they continue for some time. On the other hand, in some market conditions prices in the zone between ATC and AVC can be legitimate. Therefore, looking at the facts of each case rather than relying on near-conclusive presumptions is, for me, the only responsible way to decide the issue. Finally I would attach a much stronger presumption of illegality to price below AVC than does the majority; I would limit the number of excuses for pricing at that level, and I suspect I would find the conduct to have anticompetitive effects after a much briefer predatory pricing incident than the majority.

Aside from the use of near conclusive presumptions, the majority's tests are no more efficient than the one I propose: cost definitions must be made under either. We are in agreement on the propriety of the "leap-frog" analytic technique as announced in *General Foods Corp*, D. 9085. That is, we all agree on avoiding the time and resource-consuming quagmire of cost-based pricing rules if easier preliminary inquiries reveal that below cost pricing either could not result in successful predation or is shielded by a legal defense. Therefore, I would first examine competition in the alleged market to see whether and what kind of predation is possible. The existence of entry barriers and the strength of respondent's market power are significant factors. Also important are the level of capacity in the market and duration of the alleged predatory incident.

I believe that the relevant measure of capacity utilization is that of the market and not that of the respondent because, in order to predate, a firm must always have some excess capacity. Zerbe and Cooper, *An Empirical and Theoretical Comparison of Alternate Predation Rules*, 61 Texas L. Rev. 655, 682 (1982). Otherwise, it cannot serve its rival's former customers when exit is induced. Thus, finding that the respondent has excess capacity may not be exculpatory. However, if capacity utilization is very low throughout the market, competitive market conditions may have forced respondent to price at or below its short term marginal costs in a desperate effort to avoid the even greater losses of temporarily closing or leaving the market altogether.[4] On the other hand, where the market does not face substantial excess capacity, pricing below marginal cost begins to look suspect, because competition should force prices to at least that level. (Areeda & Turner, *supra*, 88 Harv. L. Rev. at 702). The inference is that prices were lowered, not in response to competition, but rather in anticipation of their destructive effect upon competitiors and consequent enhanced market position of respondent.

Having established the competitive setting, I would then determine the relevant measure of cost. There is a general consensus that pricing below marginal cost gives rise to a presumption of illegality.[5] There is much argument, however, on what accounting definition of cost is the proper evidentiary surrogate for that elusive economic benchmark, which is not recorded on a firm's business records. Some courts and commentators have suggested the a company's prices be compared to its average total cost (ATC) [6], others have suggested average variable cost (AVC);[7] still others have suggested a middle course.[8] In my view, no one cost standard is always appropriate; rather, the market setting dictates the choice. Price below ATC can be predatory where there is a high level of capacity utilization in the market, and pricing below AVC is presumptively predatory. For me, the presumption against legitimate prices below AVC is very strong,[9] but could be

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Related Practices of Section 2 Under the Sherman Act, 88 Harv. L. Rev. 697 (1975). This proposal was challenged for disregarding the risk that a dominant firm can successfully pursue a strategy of sacrificing short-term profit for long-term benefits in order to exclude actual of threatened competition. Scherer, Predatory Pricing and the Sherman Act: A Comment, 89 Harv. L. Rev. 869 (1976) (offering an economic model for testing cost based rules and suggesting a broad rule-of-reason approach). Other commentators proposed long-run pricing rules that emphasized different cost factors. R. Posner, Antitrust Law: An Economic Perspective, 184–196 (1976) (presumptively condemning sales below average total cost with intent to exclude a competitor); Joskow & Klevorick, A Framework for Analyzing Predatory Pricing Policy, 89 Yale L.J. 213 (1979) (proposing a two-tier test: only if monopolistic conditions exist in the market may pricing below the average variable cost be conclusively illegal, or pricing below average total cost be presumptively illegal under specified conditions). Other economists recommend approaches focusing on output changes or the timing of price cuts. Williamson, Predatory Pricing, a Strategic and Welfare Analysis, 87 Yale L.J. 284 (1977) (barring dominant firms from expanding output or selling below full cost to forestall entry); Baumol, Quasi-Permanence of Price Reductions: A Policy of Prevention of Predatory Pricing, 89 Yale L.J. 1 (1979) (barring price increases by a dominant for a specified period after its price cuts drive competitors from the market). Although not proposing a specific legal standard, two commentators have drawn attention to the prerequisites for successful entry-deterrence conduct. Salop, Strategic Entry Deterrance, 69 Am. Econ. Rev. 335 (1979); Spence, Entry, Capacity, Investment and Oligopolistic Pricing, 8 Bell K. Econ. 534 (1977). And finally, at least one commentator has argued that there should be no standard at all, since no problem exists. R. Bork, The Antitrust Paradox 154 (1978).

[3] Hurwitz & Kovacic, Judicial Analysis of Predation: the Emerging Trends, 35 Vanderbilt L. Rev. 63 (1982).

[4] *See, e.g.*, Williamson, *supra*, 87 Yale L.J., 284 (1977); William Inglis & Sons Baking Co. v. ITT Continental Baking Co., 461 F. Supp. 410, 418–19 (N.D. Cal. 1978), *aff'd in part and rev'd in part*, 668 F. 2d 1014 (9th Cir. 1981), *cert. denied*, 103 S. Ct. 57 (1982); ILC Peripherals Leasing Corp. v. IMB Corp., 458 F. Supp. 423 (1978), *aff'd per curiam sub nom.* Memorex Corp. v. IBM Corp., 636 F.2d (9th Cir. 1981), *cert. denied*, 452 U.S. 972 (1981).

[5] *See generally*, Areeda & Turner, *supra*, 88 Harv. L. Rev. at 712, 733.

[6] Posner, *supra;* Transamerica Computer Co. v. IBM Corp., 698 F.2d 1377 (9th Cir. 1983) (prices *above* ATC are not *per se* lawful, but plaintiff must prove predation by clear and convincing evidence), *cert. denied* 104 S. Ct. 370 (1983); *but see* Barry Wright Corp. v. ITT Grinnell Corp., 1980–81 Trade Cas. ¶ 63,862 (D. Mass. 1981) *aff'd* 1984–1 Trade Cas. ¶ 65,787 (1st Cir. 1983) (prices above ATC conclusively lawful).

[7] Areeda & Turner, *supra;* Northeastern Telephone Co. v. AT&T Co., 651 F.2d 76 (2d Cir. 1981), *cert. denied*, 455 U.S. 943 (1982); International Air Industries Inc. v. American Excelsior Co., 517 F.2d 714 (5th Cir. 1975), *cert. denied*, 439 U.S. 829 (1978).

[8] Zerbe and Cooper, *supra* (compare prices to ATC unless excess capacity exists; in that case, compare to AVC); Joskow and Klevoric, *supra;* and *compare* William Inglis & Sons Baking Co. v. ITT Continental Banking Co., *supra* (price below ATC is predatory if accompanied by other proof of predatory intent) with MCI Communications Corp. v. AT&T, 708 F.2d 1081 (7th Cir.), *cert. denied*, 104 S. Ct. 234 (1983) (conclusive presumption of legality for prices exceeding long-run incremental costs; very little weight attached to subjective evidence of intent).

[9] Areeda & Turner would make it a conclusive presumption, 88 Harv. L. Rev. at 733, as do Joskow

Continued

rebutted by a showing of excess market capacity as discussed above. Furthermore, I would take the duration of the alleged predatory incident into consideration. When the more lenient ATC standard is used, the low prices must endure for some significant period of time. As the price level approaches AVC, however, the scope of harmful duration may be shortened. When price falls below AVC an even shorter span of low pricing may be deemed potentially harmful. Of course, the presumptions of harm to competition derived from the level and duration of the price reduction ultimately must be tested against any evidence the record may contain about actual impact of respondent's conduct upon competition.[10] Thus, if it is clear from a preliminary examination of the record that the market continued to function competitively after the alleged predatory incident the case may be dismissed without tracing the elaborate steps of the cost-price quadrille.

I agree with the majority that the issue of pricing below cost is reached in only one of the five markets examined in this case. The Sherman Act counts cannot survive in any city, once a market definition including captive bakers is accepted. I agree that the Robinson-Patman counts are dismissed because of a valid meeting competition defense in Northern California, and lack of data from which to generate accurate cost-price comparisons in Southern California and St. Paul/Minneapolis. In these last two markets I would add my own conclusion that there has been a demonstrable lack of anticompetitive effects. In both markets the sum total of competitors remained practically unchanged after the alleged predatory incidents.

In the Denver market I would dismiss the Robinson-Patman count on the grounds of a valid cost-justification defense. Virtually the only cost data in the record is contained in an accounting study prepared by Continental for the *Old Homestead* litigation. That study shows that for the last eight weeks of 1967 Continental priced the one pound Tender Crust bread loaf below average variable cost. Setting aside the questions of whether the one pound loaf is an adequate vehicle for predation and whether an eight week period is sufficiently long for effective predation, and assuming, *arguendo*, that the study is entirely free from methodological error,[11] the case for predatory intent must still fail. Whatever else it may prove, the *Old Homestead* study clearly shows that the difference in price between Tender Crust and Wonder products was cost justified.

Advertising expenses are a specific line item on the cost study: Wonder Bread had known advertising expenses, while Tender Crust, as a private label brand, had none. The *Old Homestead* cost study consistently shows (1964–1969) that costs of advertising Wonder exceeded the price difference between Tender Crust and Wonder, even when discounts are included in the calculation.[12] The study also shows other specific costs which are generally higher for Wonder than Tender Crust, such as returns and route labor;[13] but the high advertising costs alone can establish a complete cost justification defense. Indeed, it is clear that throughout the relevant period Continental made more money on Tender Crust, or at least lost less in loss periods, than it did on the Wonder label. Since the price differentials were cost-justified, I would dismiss the Robinson-Patman case. This leaves Cleveland as the only market in which to demonstrate our differing approaches. My analysis is as follows.

Cleveland

In this market between 1973 and 1977 ITT-Continental allegedly captured and kept, by means of below cost sales, a large private label white pan bread account, thus causing primary line competitive dislocations which were still observable in 1980.

The preconditions for predation were certainly present in the Cleveland area in the early 1970's. The record shows no new entry between 1970 and 1980, a decade which reaches significantly before and beyond the alleged predatory conduct. On the eve of the incident, almost no baker serving the market had excess production capacity. Millbrook and Ward's, the first and second-ranked wholesale bakers were both running at least two full shifts a day. (IDFs 290, 308) Other bakers were similarly at full capacity, according to several witnesses, including Joseph Signore, Continental's then-Regional Vice President. (Bateman Tr. 5775; Gase Tr. 9375–76; Signore Tr. 9989–90, 10051) The exception was Continental, whose white pan bread plant at Akron was operating at only 50%–60% of capacity (1¼ shifts). (IDF 300)

Joseph Signore, the chief architect of Continental's drive to secure the aforementioned private label contract, recognized that Continental's unique under-capacity situation could be used not only to win the private label account, but also to make Continental the "dominate [sic] factor on the market." (CX 2683B).

In these circumstances, I would infer predatory intent and effect from sales below fully allocated cost (FAC)[14] even if sales were not below average variable cost. The place I find such sales is in the private label contract which Continental negotiated with Pick'N'Pay (PNP), a major grocery store chain in the Cleveland area. That contract was signed on July 13, 1973, and amended September 25, 1974. (IDFs 311, 328) The record contains a variety of data (cost studies, analyses and monthly sales reports) by which the profitability of the contract may be tracked from its inception through August 1977.[15]

Nevertheless there are further definitional questions about the PNP contract which must be answered before one can determine if white pan bread

and Klevoric, under specified market conditions, 89 Yale L.J. at 252.

[10] Post-predation evidence is not a necessary element of a predation case, but often exists, given the slow process of antitrust litigation, as in this case. Where it appears in the record, it should be considered.

[11] Complaint counsel are in the anomalous position of urging that CX 1728, which shows sales above fully allocated costs for 1964 through October, 1967, be disregarded because of faulty methodology—except as it pertains to the last eight weeks of 1967, when sales below average variable cost are shown. (CCAB, 62)

In brief, complaint counsel contend that respondent erred in allocating production costs between Tender Crust and Wonder Bread on the basis of sales price. (CX 1722U–X, Z) For purposes of this allocation, the sales price was assumed to be the same for Wonder as for Tender Crust, in recognition of the fact that the two labels surround identical products. Complaint counsel would have allocated costs "in proportion of units, weights and values". (Memorandum in Support of Complaint Counsel's Application for Sanctions Under Rule 3.38, December 29, 1976, p. 9) For Robinson-Patman purposes we need not decide between these allocation methods, since both sides apparently agree that Wonder and Tender Crust should have identical amounts of allocable costs assigned to them, under any allocation method. Thus all non-specifically allocable expenses cancel out and can be bypassed when evaluating the cost justification defense, which rests on specific expenses, as described above.

[12] The ALJ incorrectly stated that CX 1728 does not show discounts on Tender Crust. (IDF 83; ID at 86) It does show such discounts, on the line headed "Other Selling Expenses." (CX 1722Z–5)

[13] The full rack service offered with Wonder Bread included pick-up of stale bread; no pick up of returns was offered in the private label program. (CX 1722Z–4) Because of a union contract, bakers paid lower commissions to route salesmen on private label bread than they did on advertised label bread. (CX 1722Z–43)

[14] Fully allocated cost, sometimes called full cost, is used as a surrogate for average total cost in this case because Continental's records did not show ATC, an economic concept which in essence is FAC plus a normal return on investment. FAC is thus a more lenient proxy for marginal cost than is ATC. (Areeda & Turner have noted that normal return on investment is "a figure usually not determinable with any precision." 88 Harv. L. Rev. at 709)

[15] The documents do not detail every month of the four year period, but summarize performance at irregular intervals, providing the nine data points which are referenced in the tables, *infra*.

was sold below cost. The written agreement (CX 803) was not the full extent of Continental's obligations. There were also a variety of 'side bar' agreements to lease PNP's trucks, racks, and dollies and rent the PNP warehouse for the early months of the contract. Continental negotiators made such obligations contemporaneously with the formal, written contract and Continental honored those obligations. (IDFs 313, 314) Therefore, where the Continental internal cost studies assign these costs to the account (*e.g.*, CX 2680) I have included these costs in my calculations.

A second issue concerns what costs should be considered variable under the PNP contract. The appeal briefs set up quite a conflict on this point, with complaint counsel arguing that virtually all selling and distribution costs are variable, and respondents' counsel asserting that sales commissions are the only truly variable selling expense. However, Continental's internal cost studies belie the theories of respondents' counsel. Uniformly these studies, supported by testimony of Continental's employees, describe almost all selling and distribution costs as variable. (*See, e.g.*, Gase Tr. 9421–22; RX 309; CX 2661). Accordingly, I have taken the Continental's variable cost calculations as given, and have not subtracted out such items as sales management and vehicular costs, as respondents' counsel advocate.

I have, however, included in my cost calculations one variable not shown in the primary Continental cost records. As noted, Continental made many auxiliary, verbal commitments to the July 13, 1973, written agreement with PNP. (IDFs 313, 314) One was to reimburse PNP for promotions of private label products. (IDF 313). While these payments were known to the Continental management level, they were not disclosed to the accountant who prepared the line profit studies. (Vail Tr. 9971–72, 9981–82; Schmidt Tr. 11163–64; CX 2626A, N, O) Accordingly these studies lack that item. While respondents' counsel made no attempt to argue that the promotional payments are a fixed cost [16]—indeed, the payments are classic examples of a variable cost, since they fluctuate directly with changes in output—they nevertheless made no effort to correct the incomplete contemporaneous variable profit calculations. Such adjustments can be made, since the amount of promotional payments is known. (CX 2682; Breines Tr. 11098–11100) They should be made, since the amount is significant: approximately $210,000 between July 1973 and April 1976. (IDF 313) I have made those adjustments.[17]

This brings me to the relevant cost calculations. It should be emphasized that they are based on the same documents which the ALJ used to reach his cost conclusions (IDFs 320–325, 347). My review, however, had to be more precise inasmuch as I neither accept his ruling that average variable cost (AVC) always amounted to 80% of fully allocated cost (FAC); nor would I find liability on the mere fact of sales below FAC. The degree by which costs of either type exceed prices must be closely observed.

My calculations are set forth in the following tables:

TABLE 1

Month(s) and year	Price as a percent of average variable cost for white pan bread
June 1974	87.0
January 1976	101.0
January–March 1976	101.0
July 1976	99.3
August 1977	110.0

TABLE 2

Month(s) and year	Price as a percent of fully allocated cost for white pan bread
December 1973	(1)
May 1974	81.0
June 1974	77.5
December 1975	82.4
January 1976	81.5
January–March 1976	81.7
July 1976	79.0
August 1977	77.9

[1] Price below FAC on a per-unit basis for each white pan bread product, ranging from 99.99% of FAC to 91.0% of FAC, exclusive of promotion payments.

Thus, between 1973 and 1977 Continental persistently priced far below FAC on the white pan bread items in the PNP contract. For four years the white pan bread price was consistently about 20% less than fully allocated cost. This deep a cut below FAC often approached the AVC level and twice fell below the AVC level. White pan bread was sold at such a loss that the entire private label contract never made a profit on a FAC basis during this time.[18] (IDF 347; Gase Tr. 9402)

The inference of predation raised by cost data is confirmed by a survey of the marketplace before and after Continental won the PNP contract. In 1971 there were five strong independent bakers in the Cleveland market, plus a scattering of smaller bakers. The five top companies were of roughly equal strength, and there was no price leader among them. (IDF 299) Far from being the leader of the pack, Continental shared third rank with American. (IDF 296)

By 1980 Continental shared dominance of the market with Interstate. Those two were the acknowledged price leaders. (IDF 342) Laub, one of the top five firms in 1970 left the market completely after losing its PNP shelf space to Continental. (IDF 318, 341) American, Continental's erstwhile head-to-head competitor, had slipped to sixth place, behind even Nickels and Schwebel, bakers which Continental's regional vice president assessed as "not

[15] See the following tables:

TABLE 3

Month(s) and year	Price as a percent of average variable cost for the private label account
August 1973	98.1
December 1973	98.2
May 1974	92.2
June 1974	89.0
January 1976	106.3
January–March 1976	103.7
July 1976	101.0
August 1977	108.4

TABLE 4

Month(s) and year	Price as a percent of fully allocated cost for the private label account
August 1973	98.6
December 1973	(1)
May 1974	86.1
June 1974	79.8
December 1974	84.5
January 1976	83.9
January–March 1976	82.6
July 1976	79.6
August 1977	81.7

[1] Price below FAC on a per-unit basis for all but two low-volume varieties, therefore price below FAC for entire private label account.

[16] Continental may have had the option of incurring these costs in a lump sum, one-time fixed form as a purchase of PNP's bakery assets. (Vail Tr. 9968, 9972). The promotional payment obligation was subject to an outer limit of the estimated book value of those assets. (IDF 313) However, the fact that these costs could have been structured differently is speculative and irrelevant: no doubt other terms of the contract would have been different if Continental had committed to an upfront payment of $210,000. In the contract as performed, that sum was stretched over three years, and conditioned to bread output. Its effect on the cost of both the total contract and the white pan bread line was variable.

[17] The promotional payments apparently were in support of the white pan bread products only. Therefore, in arriving at the cost figures for white pan bread products I attributed all of the promotional payments to those products.

strong factors, grocery-wise". (Gase Tr. 9533; IDF 342) The market is clearly less competitive in 1980 than it was in 1970.

Having determined that the PNP contract was predatory for as much as four years, I turn to the question of whether Continental has any recognizable defenses.

The tortured history of Continental's negotiations for the PNP private label account is ably set forth by the ALJ at IDFs 305–314. My reading of the record, which consists mainly of testimony of persons involved in both sides of the negotiations, convinces me that the ALJ correctly concluded that Continental has no "meeting competition" defense under Section 2(b) of the Robinson-Patman Act.[19] (ID, p. 85) This is abundantly clear with regard to the renegotiated 1974 contract, as there is not the slightest evidence in the record that Continental believed its offers, which were still far below FAC, to be in good faith response to any competing offers. As for the original July 1973 terms, it appears that the prices were decreased and contractual obligations increased several times in the early part of the year, significantly after competing bidders' offers had lapsed and after Vail, Continental's vice president in charge of national accounts, became confident that Continental would become PNP's supplier of private label bread.[20] (IDFs 309, 310; CXs 803, 809, 839, 884)

A second defense which respondents raise in Cleveland is the argument that Laub was not harmed by the effects of the PNP contract. In other words, they argue that the causes of Laub's demise were business problems unrelated to Continental's low cost sales.

My examination of the record convinces me that Continental's conduct, though not the sole cause, was a major cause of Laub's closing. In the early 1970's Laub had been losing significant restaurant business and some small grocery accounts, often to Continental;[21] but its overall business, especially the grocery side, was definitely operational. It had a fully automated, very efficient plant, an aggressive sales force, and the label rights to a nationally-recognized label, "Sunbeam bread". (Stonbraker Tr. 5529, 5563–66, 5598; Bronczek Tr. 5710–11) In 1973 Laub had approximately 54 grocery routes, which compares favorably with the 68 routes of Interstate, the market's then leading wholesale baker. (IDF 288; Stonbraker Tr. 5588)

In 1973, PNP was Laub's largest customer, and Laub's bread enjoyed the largest share of the branded portion of PNP shelf space. (Stonbraker Tr. 5590–91) As a result of the Continental contract, Laub's all-important white pan bread sales to PNP declined drastically. Laub's white pan bread products were simply edged off the shelf by Continental's private label and advertised brands. (IDFs 317, 318) Moreover, the loss of general exposure to consumers through the PNP stores also hurt Laub's sales through other outlets. (Stonbraker Tr. 5605–5606) The loss of volume associated with exile from the PNP stores had an immediate effect: Laub was forced to consolidate delivery routes, but even that cost-cutting measure was not enough to save the company and within six months the bakery had shut down. "You just can't go on when your volume is not there." (Stonbraker Tr. 5608)

I think this chain of causality is fairly strong, and it becomes more so when we note that Interstate, though considerably larger and healthier than Laub, also suffered from losing PNP shelf space to Continental. (Meehan Tr. 5341) Clearly, the PNP account would be very important to any supplier, and its loss could be the final straw to a smaller bakery such as Laub.

Of course, actual injury and permanent loss of sales need not be proven to show a violation of the Robinson-Patman Act; but such facts are convincing evidence of a violation. *National Dairy Products Corp. v. FTC*, 412 F.2d 605 (7th Cir. 1969). Here Continental's long, deep cuts in the price of white pan bread create such a possibility of harm to competition that a violation of the act must be found, absent some showing that the probable effect did not take place. Respondents have not made such a showing. To the contrary: all the evidence in the record points to a market much less competitive now that it was a decade ago; with Continental's dominance unchallenged by either new entrants or existing competitors. Moreover, the loss of at least one independent baker seems directly related to Continental's predatory pricing between 1973 and 1977. Accordingly, I would have found that Continental's discriminatory prices on white pan bread in the Cleveland market from 1973 to 1977 caused primary line injury in violation of section 2(a) of the Robinson-Patman Act.

Conclusion

The difference between my views on predation and that of the Commission majority was sketched out in my partial dissent to the *General Foods* opinion and earlier in my dissent to the decision not to seek *certiori* in the *Borden (ReaLemon)* matter. The majority opts for a series of assumptions that places the danger zone well below AVC ("properly defiined", of course). It is inconceivable to me that any firm could fail to show prices safely above this line, given the wealth of acceptable excuses listed by the majority, not to mention the requirement of a "significant", wholly continuous period of low prices. (Apparently four years—the time of below cost sales in Cleveland—is not "significant" enough).

The approach I have outlined is assailed principally because it is subject to accounting ledgerdemain. To this I answer, so is any test where the definition of cost is at issue.[22] I do freely admit to one of the criticisms leveled at my approach by the majority: it does not foster as much industry certainty as their AVC test. Certainly, my approach would require a modicum of structural anf firm-specific inquiry. Nevertheless, I believe it is a practical, workable standard. In contrast, the majority's AVC test gives near absolute business certainty after one reading: in the words of Cole Porter, "Anything goes." It would be simpler, and surely a great saving of everybody's time, if the Commission today had simply announced that it does not believe predatory pricing exists.

[FR Doc. 84–21777 Filed 8–15–84; 8:45 am]
BILLING CODE 6750–01–M

[19] It should be noted that, in Cleveland, any meeting competition defense is limited to the competing bids for the PNP contract. It is not an "area-wide" defense such as the Commission considers in the Northern California market.

[20] PNP originally was interested in dock delivery to its warehouse and received several bids on this proposition. (Kravitz Tr. 5394–95) However, when PNP changed its terms to store drop those bids were not renewed. (Kravitz 5393–95, 5408; Schwebel Tr. 5817; Bogolmony Tr. 5869; Bateman Tr. 5777 CX 884) Signore had only the most general belief that other companies might be in the running for the contract; after 1972 he was not aware of any specific competitive offers. (Signore Tr. 9993–9994, 10031)

[21] Complaint counsel devote some time to CBC's "potshotting" of Laub restaurant accounts; the Initial Decision also notes CBC's inroads here. (IDF 301–303) However, since the record contains no indication that these sales were won by predatory means, I have not considered these practices to be part of the case.

[22] For example, the majority would amortize promotional and advertising expenses over a product's goodwill life cycle (presumably established by the promoter's testimony as to his fondest expectations). If this isn't an arbitrary variable, fraught with accounting peril, what is?

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 229

[Release Nos. 33-6545; 34-21225; 35-23390; IC-14091; File No. S7-17-84]

Disclosure of Certain Legal Proceedings Involving Directors, Executive Officers, Promoters and Control Persons

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission today announced the adoption of amendments to Item 401 of Regulation S-K, relating to the disclosure of certain information about management. The amendments add commodities proceedings to the legal proceedings currently required to be disclosed with respect to directors and executive officers and require new registrants to disclose the same legal proceedings involving promoters and control persons that they must disclose with respect to directors and executive officers. In addition, Item 401 is being retitled to reflect its expanded scope. The purpose of the amendments is to improve disclosure to investors, particularly in the case of new registrants.

EFFECTIVE DATE: The amendments to Item 401 of Regulation S-K are effective sixty days after publication in the **Federal Register** for all Securities Act registration statements that do not incorporate by reference the annual report on Form 10-K under the Exchange Act. For all other documents, the amendments are effective January 1, 1985. A registrant may comply with these provisions prior to the effective date, but if it elects to do so, it must comply with all applicable provisions and continue to do so in any subsequent filings.

FOR FURTHER INFORMATION CONTACT: Prior to the effective date, Betsy Callicott Goodell, (202) 272-2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. After the effective date, Ann M. Glickman, (202) 272-2573, Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Item 401 of Regulation S-K[1] sets forth disclosure requirements with respect to the identity and background of management and certain employees of the registrant. The disclosure is required in registration statements filed pursuant to the Securities Act of 1933[2] (the "Securities Act") and registration statements, proxy statements, and annual reports filed pursuant to the Securities exchange Act of 1934[3] (the "Exchange Act"). Among other things, the Item requires disclosure of the involvement of directors and executive officers in specified legal proceedings. The amendments to Item 401 add the disclosure of commodities law proceedings to the list of specified legal proceedings and require new registrants to disclose legal proceedings involving promoters and control persons in addition to those legal proceedings involving executive officers and directors.

I. Background

The proposed Item 401 amendments[4] stemmed from hearings held in December, 1983, by the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs, on "Fraud and Abuse in the 'Hot Issues' and 'Penny Stock' Markets" (the "1983 Hearings").[5] The purpose of the 1983 Hearings was to examine the new issues market. Among other matters, the 1983 Hearings indicated that the current provisions of Item 401[6] were inadequate in two respects. First, the 1983 Hearings drew attention to the fact that legal proceedings involving violations of the commodities laws were not among the legal proceedings enumerated in Item 401 and that, therefore, investors may not receive that information. Second, the 1983 Hearings indicated that promoters and control persons, who receive economic benefits from a public offering, also have the potential power to perform or direct the actual management functions of many new registrants. Indeed, in some instances, those persons may have the potential to exert greater management control than the officers and directors, whether or not they exercise that power.

Commentator response to the proposed amendments was favorable.[7] In addition, commentators suggested modifications to the proposed amendments. The Commission is adopting the amendments essentially as proposed, with minor changes to reflect certain of the specific comments. These comments, as well as others not reflected in Item 401, are discussed below.

II. Discussion of Amendments to Item 401

The two categories of amendments to Item 401 are: (1) Disclosure of commodities law proceedings in paragraph (f)(3) and new paragraph (f)(6) of Item 401; and (2) disclosure of legal proceedings involving promoters and control persons in new paragraph (g).[8]

Under revised paragraph (f) of Item 401, all registrants are required to include legal proceedings involving violations of the Commodity Exchange Act[9] in their disclosure of the background of directors and executive officers. The disclosure is required in any filing calling for Item 401 disclosure.[10] The additional requirement, which is patterned after the disclosure now required for securities violations, would include injunctions, civil and criminal penalties, and other sanctions resulting from violations of the Commodity Exchange Act.[11]

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[1] 17 CFR 229.401.

[2] 15 U.S.C. 77a-77aa (1982).

[3] 15 U.S.C. 78a-78kk (1982), *as amended by* Act of June 6, 1983, Pub. L. No. 98-38, 97 Stat. 205 (1983).

[4] Release No. 33-6530 (May 2, 1984) (49 FR 19516, May 8, 1984).

[5] *Fraud and Abuse in the "Hot Issues" and "Penny Stock" Markets Before the Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs*, 98th Cong., 1st Sess. (1983).

[6] Prior to 1972, Forms 10 and 10-K required a ten year litigation history with respect to directors. During hearings on the hot issues market in 1972, securities professionals testified that disclosure relating to the background and prior performance of management is material to an investment decision, particularly when a registrant has no operating history. Public Investigation in the Matter of the Hot Issues Securities Markets (File No. 4-148). As a result, the Commission required disclosure of background information with respect to directors and executive officers in registration statements. Release No. 33-5395 (June 1, 1973) (38 FR 17202, June 29, 1973). Subsequently, the disclosure item was moved to Regulation S-K and the time frame was reduced from ten to five years. Release No. 33-5949 (July 28, 1978) (43 FR 34402, August 3, 1978).

[7] The Commission received four comment letters in response to the proposed amendments. The comment letters are available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. (*See* File No. S7-17-84).

[8] The terms "control" and "promoter" are defined in Rule 405 (17 CFR 230.405) for Securities Act purposes, and in Rule 12b-2 (17 CFR 240.12b-2) for Exchange Act purposes.

[9] 7 U.S.C. 1-26 (1982).

[10] The Item 401 disclosure is required in registration statements under the Securities Act, such as Forms S-1 (17 CFR 239.11), S-11 (17 CFR 239.18), S-15 (17 CFR 239.29), S-18 (17 CFR 239.28) and S-20 (17 CFR 239.20), and in filings under the Exchange Act, such as Form 10 (17 CFR 249.210), Form 10-K (17 CFR 249.310) and the proxy statement (17 CFR 240.14a-101).

[11] The amendments contain no provisions for commodities proceedings at the state level because, at this time, the states generally do not have specific statutes relating to commodities transactions.

The proposed amendments listed specific commodities professionals regulated by the Commodity Exchange Act, and required the disclosure of legal proceedings against an executive officer or director while acting in such capacity. "Leverage transaction merchant" has been added to the list pursuant to a comment by the Commodity Futures Trading Commission, which regulates those persons.[12]

New Item 401(g) requires registrants, which have not been subject to the reporting requirements of Section 13(a) or 15(d) of the Exchange Act for the 12 months prior to the filing, to disclose bankruptcy proceedings, criminal proceedings, securities and commodities violations, and certain other legal proceedings involving control persons, which are material to a voting or investment decision. Registrants organized within the last five years must include the disclosure with respect to promoters. Therefore, all non-reporting registrants and registrants that have been in the reporting system for less than twelve months have to include the disclosure in registration statements, proxy statements and annual reports.[13] In addition, any registrant whose reporting obligations have been suspended previously must include the disclosure when theyreenter the reporting system.[14] New paragraph (g) does not apply to any subsidiary of a company that has been subject to the Exchange Act reporting requirements for the twelve months prior to filing.

The Commission made minor changes to proposed paragraph (g). First, the statement exempting subsidiaries of reporting companies appeared in each subparagraph of proposed paragraph (g). To avoid repetition, the statement was placed as an instruction to paragraph (g). Second, while the proposal required the information if material, it did not specifically relate materiality to any event or action. In order to clarify the materiality standard, the Commission adopted the requirement of disclosure if such information is material to a voting or investment decision.

[12] *See* 49 5498 (February 13, 1984).

[13] In any instance in which a registrant provides the information with respect to a promoter or control person pursuant to the existing requirements, because such person meets the definition of director or executive officer in Rule 405 of Rule 3b–7, the registrant need not repeat the information pursuant to proposed paragraph (g).

[14] *See* 17 CFR 240.12(g)–4, 240.12h–3, 240.15d–1 to –13.

The Commission specifically requested comments with respect to whether the disclosure also should be required for an additional period of time, and whether the disclosure should be required for additional registrants, such as all registrants reporting pursuant to Section 15(d), all 13(a) and 15(d) registrants, or all registrants that have not received revenue from operations during each of the last three fiscal years.

One commentator suggested that paragraph (g) disclosure should not be limited to new registrants, but should be required of all registrants reporting pursuant to sections 13 or 15 as well. Another commentator did not believe any additional registrants should be required to provide the paragraph (g) disclosure. In addition, a commentator suggested limiting the paragraph (g) disclosure to the prospectus covering an initial public offering because the twelve month period was too long, and limiting the disclosure to situations where the event is material to the registrant or the offering of its securities. The Commission believes that paragraph (g), as proposed, will ensure the disclosure of sufficient information for investor protection, without placing unnecessary disclosure burdens on registrants. Therefore, the Commission adopted paragraph (g) as proposed.

In view of the addition of paragraph (g), the Commission also retitled Item 401, previously entitled "Directors and Executive Officers." The new title, "Directors, executive officers, promoters and control persons" reflects the Item's expanded scope.

III. Final Regulatory Flexibility Analysis

In accordance with 5 U.S.C. 604, the Commission has prepared a Final Regulatory Flexibility Analysis with regard to Item 401. The corresponding Initial Regulatory Flexibility Analysis was included in the release proposing revisions to Item 401 at 49 FR 19516. Members of the public who wish to obtain copies of the Final Regulatory Flexibility Analysis of the Item 401 revisions should contact Betsy Callicott Goodell, (202) 272–2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

List of Subjects in 17 CFR Part 229

Reporting and recordkeeping requirements, Securities.

IV. Statutory Basis and Text of Amendment

Authority

The Commission hereby adopts amendments to Item 401 pursuant to its statutory authority in Sections 6, 7, 8, 10 and 19(a) of the Securities Act of 1933 and Sections 12, 13, 14, 15(d) and 23(a) of the Securities Exchange Act of 1934. The Commission has considered the impact that these rulemaking actions would have on competition and has concluded that they would impose no significant burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

Text of Amendment

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is amended as follows:

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S–K

By revising the title, paragraphs (f)(3)(i) and (f)(3)(iii), and adding paragraphs (f) (6) and (g) to § 229.401 as follows:

§ 229.401 (Item 401) Directors, executive officers, promoters and control persons.

* * * * *

(f) * * *

(3) * * *

(i) Acting as a futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator, floor broker, leverage transaction merchant, any other person regulated by the Commodity Futures Trading Commission, or an associated person of any of the foregoing, or as an investment adviser, underwriter, broker or dealer in securities, or as an affiliated person, director or employee of any investment company, bank, savings and loan association or insurance company, or engaging in or continuing any conduct or practice in connection with such activity;

* * * * *

(iii) Engaging in any activity in connection with the purchase or sale of any security or commodity or in connection with any violation of Federal or State securities laws or Federal commodities laws;

* * * * *

(6) Such person was found by a court of competent jurisdiction in a civil action or by the Commodity Futures Trading Commission to have violated any Federal commodities law, and the judgment in such civil action or finding by the Commodity Futures Trading Commission has not been subsequently reversed, suspended or vacated.

(g) *Promoters and control persons.* (1) Registrants, which have not been subject to the reporting requirements of Section 13(a) or 15(d) of the Exchange Act for the twelve months immediately prior to the filing of the registration statement, report, or statement to which this Item is applicable, and which were organized within the last five years, shall describe with respect to any promoter, any of the events enumerated in paragraphs (f)(1) through (f)(6) of this section that occurred during the past five years and that are material to a voting or investment decision.

(2) Registrants, which have not been subject to the reporting requirements of Section 13(a) or 15(d) of the Exchange Act for the twelve months immediately prior to the filing of the registration statement, report, or statement to which this Item is applicable, shall describe with respect to any control person, any of the events enumerated in paragraphs (f)(1) through (f)(6) of this section that occurred during the past five years and that are material to a voting or investment decision.

Instructions to Paragraph (g) of Item 401. 1. Instructions 1. through 3. to paragraph (f) shall apply to this paragraph (g).

2. Paragraph (g) shall not apply to any subsidiary of a registrant which has been reporting pursuant to Section 13(a) or 15(d) of the Exchange Act for the twelve months immediately prior to the filing of the registration statement, report or statement.

(Sections 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 208, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 14, 15(d), 23(a) 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat. 666, secs. 3, 4, 5, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 3, 82 Stat. 454, 455; secs. 28(c), 1, 2, 3–5, 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b) 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 781, 78m, 78o(d), 78w(a))

By the Commission.

August 9, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21788 Filed 8-15-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket Nos. RM83-71-001 through 030]

Elimination of Variable Costs From Certain Natural Gas Pipeline Minimum Commodity Bill Provisions

August 10, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Request for Further Comment.

SUMMARY: In Order No. 380–A, issued on July 30, 1984 (49 FR 31259, Aug. 6, 1984), the Commission stayed the effectiveness of § 154.111 of its regulations with respect to minimum physical take provisions in pipeline rate schedules or tariffs until November 1, 1984. The Commission indicated that it would reconsider the question of applying § 254.111 to such minimum take provisions and would issue this Supplemental Notice seeking further comment on the minimum take issue. Accordingly, the Commission hereby requests all interested persons to submit comments on the applicability of § 254.111 of the Commission's regulations to minimum physical take provisions in pipeline rates schedules or tariffs.

DATE: Initial comments must be filed by August 30, 1984. Reply comments must be filed by September 13, 1984.

FOR FURTHER INFORMATION CONTACT: Carol M. Lane, Office of Commissioner Richard, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8383.

SUPPLEMENTARY INFORMATION: In Order No. 380–A,[1] issued in this docket on July 30, 1984, the Commission stayed the effectiveness of § 154.111 of the Commission's regulations with respect to minimum physical take provisions in pipeline rate schedules or tariffs until November 1, 1984. This action was taken in order to accommodate the concerns of a number of petitioners for rehearing concerning the applicability of § 154.111 to such minimum take provisions. The Commission indicated that is would reconsider the question of applying § 154.111 to such minimum take provisions and would issue a Supplemental Notice in this docket seeking further comment on the minimum take issue. The Commission stated that the comments thus received will be considered and this aspect of Order Nos. 380 and 380–A will be acted upon by November 1, 1984. *See,* Order No. 380–A, *mimeo,* at 5–6. Accordingly, we hereby request all interested persons to submit comments on the applicability of § 154.111 of the Commission's regulations to minimum physical take provisions in pipeline rate schedules or tariffs.

Minimum take provisions were the subject of several requests for clarification or rehearing of Order No. 380.[2] As described in the petition of the California Public Utilities Commission (CPUC), a minimum take provision requires that the customer physically take delivery of contracted-for gas. The type of provision encompassed by the term "minimum take" may also be referred to as a minimum purchase requirement or a take-*and*-pay provision. Under such a provision, there is no option simply to pay for the gas and not take it. Rather, refusal to physically take, in itself, states the CPUC, constitutes breach of the tariff or contract. (CPUC at 2).

Order No. 380 promulgated § 154.111(a)(1), which provides that:

> [A]ny pipeline rate schedule or tariff governing the sale of natural gas shall be inoperative and of no effect at law to the extent it provides for recovery of purchased gas costs for gas *not taken* by the buyer. [Emphasis added.]

Under § 154.111 as promulgated, if a customer refused to take gas at the level required by a minimum take provision, the pipeline would be unable to charge the customer for the gas it did not take.

Some rehearing petitioners asked the Commission to verify that this result was not intended and that Order No. 380 does not apply to minimum take provisions. Other petitioners pointed out that the minimum take issue was not mentioned in the notice of proposed rulemaking in this docket. Furthermore, they asserted that while the subject was substantively addressed by only a few commenters in response to the notice of

[1] Elimination of Variable Costs from Certain Natural Gas Pipeline Minimum Commodity Bill Provisions, 49 FR 31259 (Aug. 6, 1984) (Order Denying Rehearing and Granting in. Part Applications for Stay in Docket No. RM83–71–001 through 030, issued July 30, 1984).

[2] *See, e.g.,* Petitions on rehearing of Order No. 380, Public Utilities Commission of the State of California, Docket No. RM83–71–031; Southern California Gas Company and Pacific Lighting Gas Supply Company, Docket No. RM83–71–006; Pacific Gas Transmission Co./Pacific Gas & Electric Co., Docket No. RM83–71–011 Transwestern Pipeline Co., Docket No. RM83–71–015; Arkansas Louisiana Gas Co., Docket No. RM83–71–001; and Pan-Alberta Gas Ltd./Foothills Pipe Lines (Yukon) Ltd., Docket No. RM83–71–013. *See also* Answers to the California Public Uilities Commission's petition of Transwestern Pipeline Company and Pan-Alberta Gas Ltd., filed in this docket on July 9 and 10, 1984, respectively.

proposed rulemaking, those commenters put forward a number of ways in which they believe minimum take provisions differ substantively from minimum commodity bills. Several petitioners argued that these differences were not given proper weight by the Commission and, as a result, the record on which the Commission relied was insufficent to support its finding in the final rule that minimum take provisions are unjust and unreasonable.

In order to accommodate the concerns of these petitioners, in rehearing Order No. 380–A the Commission stated that it will reconsider the rule's application to minimum take provisions and therefore stayed the effect of the rule with respect to these provisions until November 1, 1984. While this issue was properly within the scope of the Commission's original notice of proposed rulemaking, we believe these additional comments will assist the Commission in reconsidering the applicability of § 154.111 to minimum physical take provisions in pipeline rate schedules or tariffs.

The rule as it presently exists would apply to minimum physical take provisions, as noted earlier. Moreover, as indicated in the rehearing order, minimum physical take provisions in pipeline tariffs and contracts share fully the market-distorting influences of variable costs in minimum commodity charges. The Commission stated in the order, however, that it would reconsider this applicability. Accordingly, the Commission hereby seeks further comments on whether minimum physical take provisions should be governed by § 154.111 of its regulations, and whether that section needs modification in order to clarify its applicability to minimum physical takes.

In addition to any other comments that interested persons may make on the minimum take issue, the Commission wishes to receive specific comments on the following issues relating to minimum take provisions:

1. What were the reasons for including such provisions in pipeline tariffs and do these reasons still apply?

2. Would allowing minimum take provisions cause customers to purchase gas they would otherwise not take because of its impact upon the cost of their operations?

3. Do minimum take provisions result in charges to customers in excess of the lowest reasonable cost?

4. What is the effect of minimum take provisions on the marketability of natural gas?

Written Comment Procedures

The Commission invites all interested persons to submit written data, views, and other information concerning the matters set out in this notice. In addition, commenters are requested to submit reply comments responding to any arguments by other commenters that may not have been addressed at the time their initial comments were filed. All initial and reply comments in response to this notice should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should refer to Docket No. RM83–71–000. An original and 14 copies should be filed.

All initial comments should be filed by 4:30 p.m. EDT., August 30, 1984. All reply comments should be filed prior to 4:30 p.m. EDT., September 13, 1984. All timely filed comments will be considered by the Commission prior to promulgation of the final regulations.

All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection during regular business hours in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–21846 Filed 8–15–84; 8:45 am]

BILLING CODE 6717–01–M

VETERANS ADMINISTRATION

38 CFR Part 36

Decrease in Maximum Interest Rate—Home and Home Improvement Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is decreasing the maximum interest rate on fixed rate and graduated payment loans for homes and condominiums and for home improvement and energy conservation improvement loans. The maximum interest rate is decreased because the mortgage money market has eased in recent weeks. The decrease in the interest rate will allow eligible veterans to obtain a loan at a lower monthly cost.

EFFECTIVE DATE: August 13, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., N.W., Washington, D.C. 20420 (202–389–3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by law to establish a maximum interest rate for home and condominium loans guaranteed, insured or made by the Veterans Administration as he finds the loan market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans and the general availability of mortgage funds, have shown that the mortgage market has eased. After consultation with the Secretary of Housing and Urban Development as required by law, it has been determined that a decrease in the VA home and condominium interest rates for both fixed rate and graduated payment mortgage loans is warranted at this time.

The decrease in the VA maximum home and condominium interest rates should not have an adverse impact on the availability of funds necessary to make VA loans. The decrease in the VA interest rates, however, should allow more veterans to purchase a home because of the lower monthly payment for principal and interest required at the applicable lower interest rate.

The Administrator is also required by law to establish a maximum interest rate for loans for home improvement purposes. Market indicators similarly favor reductions in the maximum interest rate for loans of this type. This lower interest rate should also assist veterans to obtain improvement loans because of the decrease in the monthly loan payments for principal and interest.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 Federal Register (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the

intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113 and 64.114)

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1811(d)(1) of Title 38, United States Code. The regulations are clearly within that statutory authority and are consistent with Congressional intent.

These decreases are accomplished by amending §§ 36.4311 (a), (b), and (c), and 36.4503(a), title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured homes, Veterans.

Approved: August 10, 1984.

By direction of the Administrator.

Dorothy Starbuck,

Chief Benefits Director.

The Veterans Administration is amending 38 CFR Part 36 as follows:

PART 36—LOAN GUARANTY

1. In § 36.4311 paragraphs (a), (b) and (c) are revised as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty of insurance commitments issued by the VA which specify an interest rate in excess of 13½ per centum per annum, effective August 13, 1984, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 13½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 13¾ per centum per annum, effective August 13, 1984, the interest rate of any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 13¾ per centum per annum. (38 U.S.C. 1803(c)(1))

(c) Effective August 13, 1984, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 15 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * * * *

2. In § 36.4503, paragraph (a) is revised as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to the home improvement loans, loans made by the VA shall bear interest at the rate of 13½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 15 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

[FR Doc. 84-21775 Filed 8-15-84; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 260

[OSWER-FRL-2654-2]

Hazardous Waste Management System; General

AGENCY: Environmental Protection Agency.

ACTION: Public notice of rulemaking petitions filed with EPA to amend regulations issued under the Resource Conservation and Recovery Act.

SUMMARY: This notice sets forth a list of petitions received in response to the regulations implementing the hazardous waste management system established by the Resource Conservation and Recovery Act (RCRA). Petitions cover both requests to make general changes to the regulations and specific requests to exclude, on a site-specific basis, wastes from regulation as hazardous. This notice updates the **Federal Register** of Monday, February 28, 1983 (48 FR 8278) and provides a list of all petitions received by the Agency subsequent to that publication as of July 1, 1984. This notice informs the public of the receipt and purpose of each petition and thereby allows interested parties to comment or respond on appropriate petitions. It is *not* a notice which announces our tentative decision regarding any particular petition.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346 or at (202) 382-3000. For technical information on any of these petitions, the reader should contact Mr. Howard Finkel at (202) 382-4783.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA promulgated the first phase of regulations implementing the hazardous waste management system established by Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended. Among other things, these regulations set forth informal rulemaking procedures whereby persons may (1) petition the Administrator to modify or revoke any provision in 40 CFR Parts 260 through 265 (see 40 CFR 260.20); (2) petition the Administrator to add new testing or analytical methods to Parts 261, 264, or 265 if the person demonstrates that the proposed method is equal to or superior to the corresponding method prescribed in Parts 261, 264, or 265 (see 40 CFR 260.21); or (3) petition the Administrator to obtain, on a site-specific basis, an exclusion of this listed wastes from regulation as hazardous (see 40 CFR 260.22).

The Agency began publishing in the **Federal Register** on December 7, 1981 (46 FR 59537) a list of all petitions filed with the Agency under either 40 CFR 260.20, 260.21, or 260.22 which covers petitions received from July 1980 to October 31, 1981. Three additional lists have been published since then: one appeared in the **Federal Register** on March 3, 1982

(47 FR 9007) and covers petitions received from November 1, 1981 to January 31, 1982; another was published in the **Federal Register** on August 19, 1982 (47 FR 36162) and covers petitions received from February 1, 1982 to June 30, 1982; a third notice was published on February 28, 1983 and covers petitions received from July 1, 1982 to December 31, 1982. This notice is the fifth and updates the February 28, 1983 **Federal Register** notice by providing a list of all petitions received by the Agency subsequent to that publication as of July 1, 1984 and provides a brief summary of the substance of the petitions.

Dated: August 8, 1984.

Lee M. Thomas,

Assistant Administrator for Solid Waste and Emergency Response.

I. Petitions Filed Under 40 CFR 260.20 and 260.21

[General Rulemaking and Petitions for Equivalent Testing or Analytical Methods]

Log and name (company)	Address	Brief summary of petition
R029—Orange County, Florida, Pollution Control, Dept.	2008 E. Michigan Ave., Orlando, FL 32806.	Requests that EPA modify the EP toxicity procedures.
R030—Envirite Corporation	Blue Bell, PA 19422	Requests that EPA amend regulations issued under Subtitle C of the Resource Conservation and Recovery Act to require the pretreatment of metal finishing process wastes before treatment, storage, or disposal.
R031—Fisons Corporation	Two Preston Court, Bedford, MA 01730.	Requests that EPA amend Subpart D of section 261 to remove iron dextran from the list of hazardous wastes.
R032—Reynolds Aluminum	7900 Reycan Road, Richmond, VA 23237.	Requests that EPA amend § 261.31 to exempt wastewater treatment sludges from phosphate conversion coating of two-piece aluminum beverage cans from being listed as EPA Hazardous Waste No. F019—wastewater treatment sludges from the chemical conversion coating of aluminum.

II. Petitions Filed Under 40 CFR 260.22 (Petitions To Amend Part 261 to Exclude Waste Produced at a Particular Facility)

[List of Petitions Received Since February 28, 1983]

Log and name (company)	Address	Waste listings to be excluded
433—Cleaners Hanger Company	735 N Lane Ave., Jacksonville, FL 32205	K062
434—Haward Metal Finishers Corp	29 Porte Avenue, North Arlington, NJ 07032	F006
435—Union Carbide Corporation, Linde Division	P.O. Box 44, Tonawanda, NY 14150	F006
436—LaValley Industrial Plastics, Inc	7600 N.E. 47th Ave., Vancouver, WA 98661	F003
437—General Electric Co	101 Bee Street, Jonesboro, AR 72401	F006
438—Petersen Manufacturing Company, Inc	108 South Pear, Dewitt, NE 68341	F006
439—Ford Motor Company, Monroe MI Plant	1 Parklane Blvd., Dearborn, MI 48126	F006
440—Union Carbide Corporation, Silicones & Urethane Intermediates.	P.O. Box 180, Sisterville, WV 26175	D001, D002
441—Murphy Oil Corporation, Superior Refinery	P.O. Box 2066, Superior, WI 54880	K052
442—Union Carbide Incorporated	Ponce Facility, Ponce, PR 00731	K022, K022
443—Raritan River Steel	P.O. Box 309, Perth Amboy, NJ 00861	K061
444—Falconer Glass Industries	500 South Work Street, Falconer, NY 14733	F006
445—Dresser Manufacturing Division—Wellsboro, Dresser Industries, Inc.	36 Davis Street, Bradford, PA 16701	F006, K062
446—Ohio Decorative Products, Inc	220 South Elizabeth Street, Spencerville, OH 45887	F006
447—Conoco Incorporated, Colorado Refinery Co	5801 Brighton Boulevard, Commerce City, CO 80022	K051
448—Universal Nolin	U.S. Highway 65 South & Robbins Street, Conway, AR 72032.	F002
449—Allen Manufacturing Company	Drawer 570, Hartford, CT 06101	F001, F006
450—Square D Company, Circuit Breaker Division	1717 Centerpark Road, Lincoln, NE 68512	F006
451—True Temper Sports, Inc	P.O. Drawer E, Amory, MS 38821	F006, K062
452—Martin Electronics, Inc	Route 1, Box 700, Perry, FL 32347	F006
453—Texaco Incorporated, El Paso Refinery	P.O. Box 20005, El Paso, TX 79998	K051
454—LCP Chemicals & Plastics, Inc	P.O. Box 149, Orrington, ME 04474	K106
455—Inland Steel Company, Indiana Harbor Works	3710 Watling Street, East Chicago, IN 46312	D002, K062
456—The Standard Oil Company, Lima Refinery	1140 South Metcalf Street, Lima, OH 45804	K048, K049
457—H.C. Composites	P.O. Drawer B, Green Cove Springs, FL 32043	F003
458—Imperial Clevite Inc., Powder Metal Products Div	Becksmill Road, Salem, IN 47167	F002
459—Bently Neveda Corporation	P.O. Box 157, Minden, NY 89423	F006
460—The Steel Warehouse Company, Inc	2722 Tucker Drive, South Bend, IN 46628	K062
461—Union Carbide Corporation, Ethylene Oxide/Glycol Division—Taft Plant.	P.O. Box 50, Hahnville, LA 70057	P003
462—Sweet Manufacturing Company	Gilbert Street, Mansfield, MA 02048	F006
463—Bostitch Textron, Clinton Plant	P.O. Box 149, Clinton, CT 06413	F006
464—Moog Automotive, Inc	2000East First Street, Maryville, MO 64463	K062
465—American Cyanamid Company, Hannibal Plant	P.O. Box 817, Hannibal, MO 63401	K038
466—Brunswick Corporation, Mercury Marine Division	Mercury Marine Plant 14, Stillwater, OK	F019
467—The Aluminum Corporation of America (ALCOA), Lancaster Works.	1700 Fruitville Pike, Lancaster, PA 17601	F019
468—Channel Master, Division of Avnet, Inc	Route 202, Ellenville, NY 12428	F019
469—The Standard Oil Company, Toledo Refinery	4001 Cedar Point Road, Oregon, OH 43616	K048
470—Remington Arms Company, Inc	140 & Highway 15, Lonoke, AR 72086	F006
471—H.H. Robertson Company, Ambridge Division	14th Street, Ambridge, PA 15003	K062
472—Vermont American Corp	P.O. Box 721, Newark, OH 43005	F006
473—General Motors Corporation, Delco Moraine Division.	3401 Tidewater Trail, Fredericksburg, VA 22401	F006
474—Newport Army Ammunition Plant	P.O. Box 458, Newport, IN 47966	K044, K047
475—Olin Corporation, Brass Group, Somers Thin Strip.	215 Fredmont Street, Waterbury, CT 06706	K062
476—C-E Cast Industrial Products, Combustion Engineering, Inc.	P.O. Box 457, Muse, PA 15360	F003

II. Petitions Filed Under 40 CFR 260.22 (Petitions To Amend Part 261 to Exclude Waste Produced at a Particular Facility)—Continued

[List of Petitions Received Since February 28, 1983]

Log and name (company)	Address	Waste listings to be excluded
477—Sta-Brite Plating, Inc	25855 Groesbeck Highway, Warren, MI 48080	F006
478—Hedstrom Company	P.O. Box 769, Dothan, AS 36302	F006
479—Bechtel-McLaughlin, Inc	3612 Milan Road, Sandusky, OH 44870	F006
480—Eaton Corporation, Temperature Control Div	Athens, AL	F006
481—Husky Oil Company	P.O. Box 1588, Cheyenne, WY	F006
482—Mid-West Fabricating Co	North Johns Street, Amanda, OH 43102	K062
483—Perfection Plating Co	775 Morse Avenue, Elk Grove Village, IL 60007	F006
484—General Motors Corporation, Fisher Body Division.	West Fort Street & West End Ave., Detroit, MI 48209	F006
485—Leaderle Laboratories, Division of American Cyanamid Company.	Middletown Road, Pearl River, NY 10965	F003, F005
486—Union Oil Company of California, Beaumont Refinery.	P.O. Box 237, FM Road 366, Nederland, TX 77627	K049
487—Husky Oil Company	P.O. Box 380, Cody, WY 82414	K052
488—Stanley Furniture Company	Highway 57, Stanelytown, VA 24168	F002, F003
489—Brunswich Corporation, Defense Division	4300 Industrial Avenue, Lincoln, NE 68504	F019
490—Amoco Oil Company, Wood River Refinery	200 E. Randolph Dr., P.O. Box 6110-A, Chicago, IL 60680.	K048
491—Chemical Waste Management of Illinois, Inc	P.O. Box 1296, Calumet City, IL 60409	F006, F007
492—Waste Research & Reclamation	Route 7, Eau Claire, WI 54701	F003
493—American Petrofina Company of Texas, Port Aurthur Refinery.	P.O. Box 849, Port Aurthur, TX 77640	K048, K049
494—Hoeaganes Corporation	P.O. Box 271, Riverton, NJ 08077	K061
495—Fulico Lumber Co	P.O. Box 716, Halleyville, AL 35565	U242
496—Chamberlin Featherlite, Incorporated	P.O.Box H, Hot Springs, AR 71901	F006
497—Dyneer Corporation, Spun Steel Division	P.O. Box 2267, Dothan, AL 36302	K062
498—SCI Systems, Inc	4000 South Memorial Parkway, Hunstville, AL 35802	F006
499—Genrad, Incorporated, Component Test Division	37 Great Road, Route 117, Bolton, MA 01740	F006
500—Chrysler Corporation, St. Louis Assembly Plant	101 N. Highway Drive, Fenton, MO 46278	F006
501—Chrysler Corporation, Belivdere Assembly Plant	P.O. Box 1919, Detroit, MI 48288	F006
502—Chrysler Corp., Fenton Plant	101 N. Highway Drive, Fenton, MO 48288	F006
503—Yarucoa Sun Oil Company	P.O. Box 186, Yabucoa, PR 00767	K048, K049
504—United Plating, Inc	3400 Stanwood Blvd., NE, Huntsville, AL 35811	F006
505—Keymark Corporation	Route 334, Fonda, NY 12068	F019
506—United States Steel Corp	1 North Buchanan Street, P.O. Box 59 Gary, IN 46402	K062
507—Teledyne Monarch Rubber	10 Lincoln Park, Hartville, OH 44632	F006, K062
508—Arnold Circuits, Inc	319 East 4th Avenue, La Habra, CA 90631	F006
509—Ford Motor Company, Sterling Axle Plant	39000 Mound Road, Sterling Heights, MI 48078	F006
510—Coastal States Petroleum Co, Corpus Christi Refinery.	Nine Greenway Plaza, Houston, TX 77046	K048
511—Ford Motor Company, Norfolk Assembly Plant	2424 Springfield Avenue, Norfolk, VA 23523	F006
512—Ford Motor Company, Ford Sandusky Parts Plant.	3020 Tiffin Avenue, Sandusky, OH 44870	F006
513—Ford Motor Company, Kentucky Truck Plant	11200 Westport Road, Louisville, KY 40272	F006
514—Ford Motor Company, Lorain Assembly Plant	5401 Baumhart Road, Lorain, OH 44053	F006
515—Ford Motor Company, Ford Indianapolis Plant	6900 English Avenue, Indianapolis, IN 46219	F006
516—Ford Motor Company, Cleveland Engine Parts	18300 Five Points Road, Brookpart, OH 44142	F006
517—Ford Motor Company, Ford Ohio Truck Plant	650 Miller Road, Avon Lake, OH 44012	F006
518—Ford Motor Company, Kansas City Assembly Plant.	U.S. Highway 69, Claycomo, MO 64119	F006
519—Ford Motor Company, Chicago Assembly Plant	12600 South Torrence Avenue, Chicago, IL 60633	F006
520—Wyman-Gordon Company, North Grafton Manuf. Plant.	244 Worcester Street, North Grafton, MA 01536	F006
521—Ford Motor Company, Romeo Tractor Plant	701 East 32 Mile Road, Romeo, MI 48063	F006
522—Macmilliam Petroleum, Inc	P.O. Drawer J, Norphlet, AR 71759	K048
523—All-Brite Galvanizing Co	3915 Fuller Street, Kansas City, MO 64129	K062
524—International Galvanizers, Incorporated	P.O. Box 3644, Beaumont, TX 77704	K062
525—Teletype Corporation	8000 Interstate #30, Little Rock, AR 72209	F006
526—General Motors Corporation, Jamesville Plant	1000 Industrial Avenue, Jamesville, WI 53545	F006
527—Ford Motor Company, Wixom Assembly Plant	5000 Grand River X-way, Wixom, MI 48096	F006
528—Koopers Company, Inc., Follansbee, W VA Facility.	1201 Koppers Building, Pittsburgh, PA 15219	K035
529—Amoco Oil Company, Mandan Refinery	P.O. Box 549, Mandan, ND 58554	K049, K050
530—La Gloria Oil and Gas Company	P.O. Box 840, Tyler, TX 75710	K049
531—Hyatt Clark Industries, Incorporated	1300 Raritan Road, Clark, NJ 07066	F006
532—John Deere Component Works	400 Westfield Avenue, PO Box 270, Waterloo, IA 50704.	F006
533—Stanley Tools, Fowlerville Facility	425 Frank Street, Fowlerville, MI 48836	F006
534—Florida Production Engineering Company	400 Fentress Blvd., Daytona Beach, FL 32020	F006
535—Harrison Steel Castings Co	900 Mound Street, Attica, IN 47918	K061
536—Wheeling-Pittsburgh Steel, Martins Ferry Plant	Main Street, Martins Ferry, OH 43935	K062
537—Lee/Rowan Company	6301 Etzel Ave., St. Louis, MO 63133	F006
538—Howmet Turbine Components Corporation, Austenal Laporte Division.	1110 East Lincoln Way, La Porte, IN 56350	F006
539—Federal Cartridge Corp	9th and Tyler Street, Anoka, MN 55303	F006
540—Continental Steel Corp	1111 South Main Street, Kokomac, IN 46902	K061
541—Lamina Bronze Products, Div	P.O. Box 250, 1000 Fairgrounds Road, Bellaire, MI 49615.	F006
542—Jim's Water Service	P.O. Box 2290, Gillette, WY 82716	F005, K052
543—Houdaille Industries, Viking Pump Division	406 State Street, Cedar Falls, IA 50613	F011
544—Waterloo Industries, Inc	Highway 304, Pochahonias, AR 72209	F006
545—IBM Corporation	11400 Burnet Road, Austin, TX 78758	F006
546—Kaqneer Company Inc	600 Kaqneer Drive, Springdale, AR 72764	F019
547—Bethlehem Steel Corp., Lackawanna District Reclamation.	2558 Lake Shore Road, Lackawann, NY 14218	K060
548—Fisher Body, Division of General Motors	30001 Van Dyke Avenue, Warren, MI 48090	F006
549—The S.K. Wellman Corporation	200 Egbert Road, Bedford, OH 44146	F006

II. Petitions Filed Under 40 CFR 260.22 (Petitions To Amend Part 261 to Exclude Waste Produced at a Particular Facility)—Continued

[List of Petitions Received Since February 28, 1983]

Log and name (company)	Address	Waste listings to be excluded
550—John Deere Plow & Planter Works	510 3rd Avenue, Moline, IL 61265	F006

[FR Doc. 84-21792 Filed 8-15-84; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 90 and 97

[FCC 84-381]

Protected Military Areas Using the Frequencies 420-450 MHz

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: The Federal Communications Commission is amending its Rules to add two additional protected areas for military radiolocation operation using the 420–450 MHz band. The Rule amendment is needed to extend radio interference protection to air defense radar sites around Warner Robins Air Force Base, Georgia, and Goodfellow Air Force Base, Texas. The action will require all non-Government radiolocation stations and those amateur radio stations using more than 50 watts of power within the protected areas to coordinate the operation with a military frequency coordinator, using the same procedure now used in eight other areas.

EFFECTIVE DATE: September 12, 1984.

ADDRESS: Federal Communications Commission, 2025 "M" Street, NW., Washington, D.C. 20554, (202) 653–8162.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Tropea, Office of Science and Technology, 2025 "M" Street, NW., Washington, D.C. 20554, (202) 653–8167.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Parts 2, 90, and 97

Radio.

Order

In the Matter of Amendment of Parts 2, 90 and 97 of the Commission's Rules to add two additional military locations as protected areas from radio interference.

Adopted: July 31, 1984.
Released: August 6, 1984.

By the Commission.

1. The National Telecommunications and Information Administration (NTIA), United States Department of Commerce, in response to a recommendation of the Interdepartment Radio Advisory Committee (IRAC), has requested that two additional protected military areas be listed in Footnotes US7 and US228 of the Table of Frequency Allocations in § 2.106. These areas are the sites of additional air defense radars. The protected areas listed in US7 and US228 are necessary to safeguard stations in the Government Radiolocation Service, which have primary operating status in the 420–450 MHz band. Amateur and non-Government radiolocation stations are permitted to operate on a secondary basis to Government stations in the band. Case-by-case coordination is currently the standard procedure for all non-Government radiolocation stations and for those amateur stations that use more than 50 watts within the protected areas surrounding major Government radiolocation operations. This process precludes operations that would cause harmful interference to the Government stations and assures that information concerning potential interference sources is readily available.

2. The Commission is herein amending § 2.106, Table of Frequency Allocations, Footnotes US7 and US228, to add circles with a 200-kilometer (124-mile) radius around Warner Robins Air Force Base, Georgia, and Goodfellow Air Force Base, Texas. In addition, some editorial revision of Footnote US228 is appropriate to specifically list the protected areas therein and to delete a cross reference to the locations in Footnote US7.

3. We are also amending § 90.177(e) and § 97.61(b)(7) of the Commission's Rules for the Private Land Mobile Radio Service and the Amateur Radio Service, respectively, to agree with the amendments to Part 2.

4. The specific rule amendments that we are adopting are set forth in the Appendix. Authority for the amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. We are dispensing with the prior notice and public procedure provisions of the Administrative Procedure Act as unnecessary pursuant to 5 U.S.C. 553(b)(3)(B) since national defense considerations, e.g., protection of air defense radar sites, require that Government radio operations be protected from potential interference from non-Government radiolocation and amateur radio stations and since the action conforms requirements with existing provisions and is not likely to be controversial.

5. Accordingly, it is ordered, effective September 12, 1984, that Parts 2, 90 and 97 of the Commission's Rules are amended as set forth in the attached Appendix.

6. For further information regarding matters covered in this document contact Sam Tropea (202) 653–8167.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 2, 90 and 97 of Chapter I of Title 47 of the Code of Federal Regulations are amended, as follows:

PART 2—[AMENDED]

A. Section 2.106, Footnote US7 is amended to add two additional protected military areas as set forth in new paragraphs (i) and (j). Also, Footnote US228 is amended by revising paragraph (a) and by adding new paragraphs (g)–(j). The changes are as follows:

§ 2.106 Table of frequency allocations.

* * * * *

U.S. Footnotes

* * * * *

US7 * * *.

(i) In the States of Alabama, Florida, Georgia and South Carolina within a 200 kilometer (124 mile) radius of Warner Robins Air Force Base, Georgia (latitude 32°38′ North, longitude 83°35′ West).

(j) In the State of Texas within a 200 kilometer (124 mile) radius of Goodfellow Air Force Base, Texas (latitude 31°25′ North, longitude 100°24′ West).

* * * * *

US228 * * *.

(a) Those portions of Texas and New Mexico bounded on the south by latitude 31°45° North, on the east by longitude 104°00′ West, on the north by latitude 34°30° North, and on the West by longitude 107°30′ West.

* * * * *

(g) In the State of Alaska within a 160 kilometer (100 mile) radius of Clear, Alaska (latitude 64°17′ North, longitude 149°10′ West). (The Military Area Frequency Coordinator for this area is located at Elmendorf Air Force Base, Alaska.)

(h) In the State of North Dakota within a 160 kilometer (100 mile) radius of Concrete, North Dakota (latitude 48°43' North, longitude 97°54' West). The Military Area Frequency Coordinator for this area can be contacted at HQ SAC/SXOE, Offutt Air Force Base, Nebraska 68113.)

(i) In the States of Alabama, Florida, Georgia and South Carolina within a 200 kilometer (124 mile) radius of Warner Robins Air Force Base, Georgia (latitude 32°38' North, longitude 83°35' West).

(j) In the State of Texas within a 200 kilometer (124 mile) radius of Goodfellow Air Force Base, Texas (latitude 31°25' North, longitude 100°24' West).

PART 90—[AMENDED]

B. Section 90.177(e) is revised by adding two additional protected military areas as follows:

§ 90.177 Protection of certain radio receiving locations.

* * * * *

(e) In the band 420 to 450 MHz, applicants should not expect to be accommodated if their area of service is within 160 kilometers (100 miles) of the folowing locations:

(1) 45°45'' N., 70°32' W,
(2) 64°17' N., 149°10' W,
(3) 48°43' N., 97°54' W;

within 200 kilometers (124 miles) of the following locations:

(1) 32°38' N., 83°35' W,
(2) 31°25' N., 100°24' W;

within 240 kilometers (150 miles) of the following location:

(1) 39°08' N., 121°26' W;

within 320 kilometers (200 miles) of the following locations:

(1) 28°21' N., 80°43' W,
(2) 30°30' N., 86°30' W,
(3) 43°09' N., 119°11' W;

or in the following locations:

(1) the state of Arizona,
(2) the state of Florida,
(3) portions of California and Nevada south of 37°10' N,
(4) and portions of Texas and New Mexico bounded by 31°45' N., 34°30' N., 104°00' W. and 107°30' W.

* * * * *

PART 97—[AMENDED]

C. Section 97.61, is amended by adding two additional protected military areas as set forth in new paragraphs (b)(7) (ix) and (x), as follows:

§ 97.61 Authorized frequencies and emissions.

* * * * *

(b) * * *

(7) * * *

(ix) In the States of Alabama, Florida, Georgia, and South Carolina within a 200 kilometer (124 mile) radius of Warner Robins Air Force Base, Georgia (latitude 32°38' North, longitude 83°35' West).

(x) In the State of Texas within a 200 kilometer (124 mile) radius of Goodfellow Air Force Base, Texas (latitude 31°25' North, longitude 100°24' West).

* * * * *

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended)

[FR Doc. 84-21456 Filed 8-15-84; 8:45 am]
BILLING CODE 6717-01-M

Proposed Rules

Federal Register
Vol. 49, No. 160
Thursday, August 16, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 929

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Proposed Amendment of Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The proposed action would increase the reserve base quantity for the 1984–85 fiscal period to 2.38 percent of the total base quantities currently issued to cranberry producers. The proposal is designed to update and expand base quantities for the benefit of producers. It is also intended to facilitate the appropriate and equitable operation of the cranberry marketing order with the establishment in the future of any marketable quantity and annual allotment.

DATE: Comments due by August 27, 1984.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

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

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

The proposed rule is issued under amended marketing agreement and Order No. 929, as amended (7 CFR Part 929). The order regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The agreement and order are affective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Cranberry Marketing Committee.

Each year prior to May 1, the committee considers its marketing policy for the coming season and estimates the marketable quantity. If the Secretary finds from such recommendation of the committee or from other available information that limiting the quantity of cranberries that may be purchased or handled on behalf of growers would tend to effectuate the declared policy of the act, the Secretary shall determine and establish the marketable quantity for that crop year. The marketable quantity shall be apportioned among growers by applying the allotment percentage to each grower's base quantity pursuant to § 929.48.

Such base quantity is issued to growers: (a) Based on their production during the period 1968–69 through 1973–74; (b) as result of transfers of base quantities from other growers; or (c) as part of an annual reserve of at least two percent of the total base quantities. Such reserve shall be used for the issuance of base quantities to new producers and adjustments in base quantities for existing producers with 25 percent being made available to new producers and 75 percent available for adjustments for existing producers. Any unallocated portion of the 25 percent available to new prducers may at the discretion of the committee be prorated among eligible existing producers on an equitable basis. Section 929.48 also provides that a condition for the continuing validity of a producer's base quantity is the production of cranberries thereunder in a proprietary capacity. If no bona fide effort is made to produce and sell cranberries thereunder for five consecutive seasons, commencing with the 1978–79 season, the base quantity may be reduced or declared invalid due to lack of use and cancelled at the end of the fifth season of nonproduction. The committee shall establish criteria, subject to approval by the Secretary, whereby the committee may determine whether a bona fide effort has been made to produce and sell cranberries produced on the producer's own acreage.

Section 929.153 implements § 929.48 of the order. It prescribes procedures governing the allocation of reserve base quantity to cranberry producers and establishes an annual base quantity reserve equal to two percent of the aggregate base quantities. Also, § 929.153 provides that the base quantity of a grower who has made no bona fide effort to produce and sell cranberries for five consecutive seasons, commencing with the 1978–79 season, may be declared invalid and cancelled at the end of the fifth season.

On February 22, 1984, the Cranberry Marketing Committee held its annual winter meeting to formulate its marketing policy for the 1984–85 crop. It estimated total demand and carryout to be 4,298,945 barrels and total supply at 3,986,600 barrels. Since demand exceeded supply, implementation of § 929.49 (i.e. the establishment of a marketable quantity and annual allotment) was not recommended.

In order to update its base quantities in preparation for any future recommendation for such a marketable quantity, however, the committee determined that 12,133 barrels of base quantity were held by growers who had not produced cranberries on the corresponding acreage for the requisite five years and should be redistributed to growers requesting base from the annual base quantity reserve. Also, the committee recommended that an additional two percent of the total base be issued to qualified new and existing growers who applied for it pursuant to § 929.153. All qualified new growers who applied for base quantities were granted them by the committee since such applications represented less than 25 percent of the two percent reserve. The committee recommended that the remainder of that reserve, and the reclaimed bases of 12,133 barrels, be redistributed to qualified existing growers who applied for additional bases.

Section 929.48(b)(1) specifies that the reserve shall include any base quantity

that becomes available due to any reduction or invalidation because of non-use of base quantity. Thus, the net effect of the several committee recommendations is that there should be a total increase of base of 2.38 percent. Therefore, the proposal is to increase the annual reserve applicable to the 1984–85 crop year to 2.38 percent. Such increase conforms with Department of Agriculture policy to make additional quanties to new and existing growers, and insures that base remain only with growers who are making a bona fide effort to produce cranberries. By so doing, the change would provide the appropriate updating of base quantities necessary for any future establishment of a marketable quantity and annual allotment.

This proposed rule provides a 10-day comment period. A longer comment period would be contrary to the public interest, as any comments on the rule need to be received as soon as possible so that the final rule, if issued, can be made effective by September 1, 1984, the beginning of the next fiscal period. This would ensure timely issuance of allotment bases prior to the August 28, 1984, committee meeting. Also, it would provide for the proper administration of the marketing order. All comments received will be considered prior to the issuance of any final rule.

List of Subjects in 7 CFR Part 929

Marketing agreements and orders, Cranberries, Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, New York.

PART 929—[Amended]

The proposal is to amend § 929.153 by revising paragraph (a) to read as follows:

§ 929.153 Base quantity reserve.

(a) *Establishment.* An annual reserve base quantity equal to 2 percent of total base quantities is hereby established: *Provide,* That, for the 1984–85 crop year, the reserve base quantity shall be 2.38 percent.

* * * * *

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

Dated: August 13, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 84–21854 Filed 8–15–84; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Oklahoma Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for a public hearing on an amendment submitted by the State of Oklahoma to amend its permanent program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to coal exploration requirements.

This notice sets forth the times and locations that the proposed amendment is available for public inspection, the comment period during which interested persons may submit written comments on the proposed program amendment and information pertinent to the public hearing.

DATES: Written comments not received on or before 4:00 p.m. on September 17, 1984 will not necessarily be considered. A public hearing on the proposal will be held, if requested on September 10, 1984, at the address listed below under **"ADDRESSES."** Any person interested in making an oral or written presentation at the hearing should contact Mr. Robert Markey at the OSM Tulsa Field Office by 4:00 p.m. on August 30, 1984. If no one has contacted Mr. Markey to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has contacted Mr. Markey, a public meeting rather than a hearing may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public hearing will be held at the Federal Building, 125 South Main street, Muskogee, Oklahoma 74401.

Written comments should be mailed or hand-delivered to: Mr. Robert L. Markey, Director, Tulsa Field Office, Office of Surface Mining, Room 3432, 333 West Fourth Street, Tulsa, Oklahoma 74103.

See **"SUPPLEMENTARY INFORMATION"** for address where copies of the Oklahoma program amendment and administrative record on the Oklahoma program are available. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting the OSM Tulsa Field Office listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Markey, Director, Tulsa Field Office, Office of Surface Mining, Room 3432, 333 West Fourth street, Tulsa, Oklahoma 74103, Telephone: (918) 581–7927.

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

Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, Room 3432, 333 West Fourth Street, Tulsa, Oklahoma 74103

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

Oklahoma Department of Mines, Suite 107, 4040 North Lincoln, Oklahoma City, Oklahoma 73105

Background

Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Oklahoma program can be found in the January 19, 1981 **Federal Register** (46 FR 4910), in the April 2, 1982 **Federal Register** (47 FR 14152) and in the may 4, 1983 **Federal Register** (48 FR 20050).

Additional information pertinent to the action taken by the Director, OSM, under the authority of 30 CFR Part 733 with regard to the status of Oklahoma's permanent regulatory program was published in the April 12, 1984 **Federal Register** (49 FR 14674).

Proposed Amendment

On July 8, 1983, Oklahoma submitted to OSM an amendment to its approved permanent regulatory program at Sections 776, 815 and 816 of the Oklahoma regulations that would require any person who intends to conduct coal exploration in which more than 250 tons of coal is to be removed to obtain the written approval of the Oklahoma Department of Mines (ODOM), comply with certain public

participation requirements and post a performance bond. The Director, pending his decision on the status of the Oklahoma program pursuant to 30 CFR Part 733, delayed action on the entire amendment submitted by Oklahoma. The proposed Oklahoma program amendment specifically addresses the following areas:

Section 776.12 has been expanded to identify the necessary general application requirements for an exploration operation of more than 250 tons. This section also addresses the public participation requirements.

Section 776.13 has been amended to identify ODOM's responsibilities for approving or disapproving, including the criteria for approval and terms of approval of applications for coal exploration operations in excess of over 250 tons.

Section 776.14 has been added to identify ODOM's public notification requirements for actions taken on applications for exploration operations in excess of 250 tons. This new rule also provides for administrative and judicial review for any person whose interests are or may be adversely affected by a decision of ODOM.

Section 776.15 has been amended to apply the appropriate performance standards and enforcement provisions to coal exploration operations of over 250 tons.

Section 776.17 concerning public availability of information has been amended to provide for availability of information at all offices of ODOM.

A new § 776.18 has been added which establishes bonding requirements. Under the new rule, any coal exploration activities which either remove more than 250 tons of coal or which substantially disturb the land surface shall file a minimum bond of $10,000 with ODOM. This section replaces § 815.18, the existing bonding provisions, which has been repealed.

Section 815.11 entitled "General responsibility of persons conducting coal exploration" has been amended to reference the amended coal exploration application sections of amended Oklahoma rule Part 776.

Sections 816.1 and 816.2 have been revised to track the Federal language concerning the scope and objectives of the performance standards. Under the revised State rules, coal exploration activities would be excluded from the performance standards of Part 816, but would still have to comply with the performance standards of 815.15 of the Oklahoma rules. The State of Oklahoma made these changes to the Oklahoma rules in response to comparable revisions to the Federal regulations at sections 30 CFR 816.1 and 816.2.

OSM is seeking comment on whether the Oklahoma proposed modifications are consistent with the requirements of the Federal provisions and satisfy the criteria for aproval of state program amendments at 30 CFR 732.15 and 732.17.

The full text of the proposed program modifications submitted by Oklahoma for OSM's consideration is available for public review at the addresses listed under **"ADDRESSES".**

Additional Determinations

1. *Compliance with the National 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 would 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 would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would 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 936

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

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

Dated: August 13, 1984.

Carson W. Culp,

Acting Director, Office of Surface Mining.

[FR Doc. 84–21847 Filed 8–15–84; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 82–105]

Documentation of Vessels; Correction

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rulemaking; correction.

SUMMARY: This document corrects a proposed rule on the meaning of "controlling interest" in a partnership for purposes of documentation of a vessel. The notice of proposed rulemaking appeared at pages 28744 through 28747 in the **Federal Register** of Monday, July 16, 1984, (49 FR 28744). The action is necessary to correct typographical errors in the document.

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

ADDRESS: Comments should be submitted to Commandant (G–CMC/21), (CGD 82–105), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426–1477 between the hours of 7 a.m. and 4 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert R. Meeks (Staff Attorney), Office of Merchant Marine Safety, (202) 426–1492, or (202) 426–1493. Normal office hours are between 7 a.m. and 3:30 p.m. Monday through Friday, except holidays.

The following corrections are made to FR Doc. 84–18729 appearing on pages 28744 through 28747 in the issue of July 16, 1984:

1. On page 28744, column three, line 10, change "Porposed" to "Proposed."

2. On page 28745, column two, counting from the bottom at line thirty, change "sectioin" to "section".

3. On page 28745, column three, lines two and three, change "(formerly 46 App. U.S.C. 802)" to "(formerly 46 U.S.C. 802)"; at lines 6 through 8, change "46 App. 12102 (formerly 46 App. U.S.C. 65b)" to "46 U.S.C. 12102 (formerly 46 U.S.C. 65b)".

4. On page 28747, column one, § 67.03–5, paragraph (a)(2), change "if it meets the requirements or paragraph (a)(1)" to "if it meets the requirements of paragraph (a)(1)".

Dated: August 13, 1984.

B.G. Burns,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 84-21833 Filed 8-15-84; 8:45 am]

BILLING CODE 4910-14-M

Research and Special Programs Administration

49 CFR Part 178

[Docket No. HM-190; Notice No. 84-7]

Modifications to DOT Specification 21PF-1 Overpacks

AGENCY: Materials Transportation bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: MTB proposes to modify the design of the 21PF-1 overpack to alleviate problems which have resulted from water in-leakage, retention and subsequent out-leakage. This proposal is based on a petition from the Department of Energy (DOE) and would entail modifications to existing overpacks as well as design modifications for future construction of overpacks.

DATE: Comments must be received by September 14, 1984.

ADDRESS: Dockets Branch, Materials Transportation Bureau, Research and Special Program Administration, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Dockets Branch is located in Room 8426 of the Nassif Bldg., 400 Seventh Street, S.W., Washington, D.C. 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except public holidays.

FOR FURTHER INFORMATION CONTACT: Richard R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590, (202) 426-2313.

SUPPLEMENTARY INFORMATION: Extensive experience has been gained by the Department of Energy (DOE) in shipping 21PF-1 overpacks in relation to its uranium enrichment service. The 21PF-1 design, as found in 49 CFR 178.121, has not been significantly changed since its original publication in 1974 (39 FR 45250). As a result of its extensive experience, the DOE has petitioned for a number of modifications to the design to alleviate problems which have been repeatedly encountered in the shipment and reuse of these overpacks.

I. Existing 21PF-1 Overpacks

The primary difficulty encountered with the existing 21PF-1 design is that hardware fabricated in accordance with the design has a tendency to collect and retain water during normal use. This water accelerates the corrosion of metal parts and the decay of wooden parts. Additionally, the water often collects during rainy weather and leaks or sloshes out during dry weather. Such liquid leakage from a package marked and labeled "radioactive" causes considerable alarm even though the water is in no way contaminated with radioactive material. In order to alleviate these problems the DOE has suggested several changes.

The first set of proposed changes involve existing overpacks whch have been constructed to the existing 21PF-1 design. The proposed changes are designed to remove (by drying) water which may be retained in the overpack, to drill drain holes in the stiffener angles (which are external to the overpack) that tend to collect water, and to seal those joints which easily admit water. The sealing involves installation of a new joint cover and gasket, and application of a sealant compound to the stiffener/outer shell joint.

The details of the proposed modifications to the existing overpacks are contained in a number of reports and drawings submitted by DOE in support of its petition. These documents are available for viewing in the Public Docket Room, at the address shown above. The following is a list and brief description of the proposed changes:

Design Changes for Existing Overpacks

1. Reference is made to Drawing No. S1E-31536-J1-O.

2. General Note No. 1 on the drawing describes the water removal procedure which must be completed prior to initiating any modifications. The drying procedure entails subjecting the overpack to a controlled temperature environment of 190°F minimum to 210°F maximum until there is less than a 10 pound weight loss in a six hour period. The overpack must be in an inverted position to permit the water to drain out. By controlling the temperature in the water removal procedure to less than 210°F, the phenolic foam insulation is essentially unaffected. This is supported by:

a. UCC-ND Internal Correspondence dated Dec. 8, 1982, from N.C. Owens to W. R. Golliher, "Overpack Moisture Removal Tests."

b. UCC-ND Internal Correspondence dated Feb. 7, 1983, from D.C. Canada to J. G. Rogers, "Drying of UF_6 Cylinder Overpack Insulation."

c. UCC-ND Report K/TL/SS-88, J. L. Frazier, "UF_6 Product Cylinder-Overpack Insulation", February, 1983.

3. Drill drain holes in stiffener angles. These stiffener angles are exterior to the overpack. Water collects in these stiffener angles, but cannot readily drain; however, it can slosh out. The drain holes do not affect the integrity of the overpack.

4. Install stainless steel joint cover. The joint cover is 14-gage stainless steel. This is installed on the joint for the lower half of the overpack which is where the water accumulation problem has been significant. While overpacks such as the "Paducah Tiger", Certificate of Compliance 6553, have metal joint covers, a heat transfer analysis was made to assure safe internal exposures during the thermal exposure. The analysis did not reveal any significant temperature increase due to joint cover. See Attachment D of UCC-ND Report K/D-5400, Rev. 1.

5. Seal joints between stiffeners and outer shell. The stiffeners are tack-welded to the outer shell. Moisture accumulates underneath the stiffeners and accelerates corrosion. The sealing will minimize the corrosion in these areas.

6. Install Gaskets. The proposed gaskets are a one-piece molded Silastic RTV rubber. This is a more permanent type of gasket than the currently specified foam plastic gasket. The shape and one-piece design will provide an improved seal. The gasket is also reusable.

7. Remove rust spots and seal any holes; paint these areas with suitable primer and finish coats of paints that are compatible with and match existing paint. This will help minimize future in-leakage problems.

8. Weigh modified container and stamp weight and date on or near nameplate, etc. This weight should be the *actual tare weight* of the overpack. This weight will provide a benchmark for future inspections to determine if moisture has accumulated in the phenolic foam insulation.

9. Mark overpack to indicate performance of modifications. The costs of these modifications are expected to be largely, if not entirely, offset by the extended lives of the modified overpacks.

II. Future Construction of 21PF–1 Overpacks

The second part of the DOE petition involves modifications to the design of the 21PF–1 for any future construction. These design changes are more comprehensive than those proposed for existing overpacks. It is possible to perform new construction to a more highly modified design than to extensively modify existing hardware.

The most significant proposed design changes involve constructing the metal shell with Type 304 or 304L stainless steel as opposed to mold steel and reversing the step-joint at the overpack closure. The step-joint would be switched from a step-down to a step-up going from the outside to the inside. These changes will decrease the in-leakage problem and greatly prolong the life expectancy of the overpacks. The details of each proposed change are found in a number of reports and drawings submitted by DOE in support of the petition. These are available for viewing in the Public Docket Room.

The full list of design changes is as proposed in UCC–ND Report K/D–5400, Rev. 1, dated March 30, 1983, "Safety Analysis Report for Modified UF_6 Cylinder Shipping Package, DOT Specification 21PF–1" and is as follows:

1. Wood materials would be changed from hard or sugar maple to white oak. Either wood is suitable, but white oak is more readily available.

2. All metal parts would be changed from carbon steel to stainless steel, type 304 or 304 L.

3. The need for painting the metal would be eliminated.

4. The vent holes needed to prevent overpack rupture by allowing the insulation foam decomposition gases to escape in event of fire would be plugged with stainless steel pop rivets and RTV silicone sealer in place of using Metal Set 4A Epoxy.

5. The step joint surface between the top and bottom halves would be changed from a step-down toward the inside to a step-up to the inside in order to reduce water in-leakage.

6. The wood step joint which was formerly painted would be covered with stainless steel.

7. The step joint gasket would be changed from 3M Scotch foam, closed cell vinyl black No. Y9132C or expanded rubber per ASTM D 1056, Type R or S, Grade 41, 42, or 43, ¼" thick x ¾" wide with adhesive backing to a one piece molded Silastic E RTV rubber, 35–45 Durometer with Silastic 732 RTV adhesive.

8. Drain holes would be added to the angle stiffeners along the bottom of the lower half.

9. Silastic 732 RTV Adhesive/Sealant would be added between the intermittent welds at all stiffeners, angles, plates, etc.

10. The tare weight and fabrication date for the overpack would be stamped (instead of marked) on or near the name plate.

These changes would be incorporated into the construction specifications for the 21PF–1 as found in 49 CFR Part 178. After a "grace" period of 6 months each newly constructed overpack would be required to meet the new specification.

III. Modifications to CAPE–1662

The CAPE–1662 package of drawings is incorporated by reference (49 CFR 171.7(d)(16)) for use in the construction of the 20PF and 21PF series of overpacks. As a result of the changes proposed, the CAPE–1662 drawings would be modified by adding the following drawings:

E–S–31536–J, Revision L and E–S–31536–J2, Revision 0 which describe the new 21PF–1 design; and

S/E–31536–J1, Revision 0 which describes the modifications necessary to existing 21PF–1 overpacks.

IV. Compliance Dates

Existing overpacks will need to be withdrawn from service and modified. In order to allow this to proceed in an orderly manner it is proposed that a period of 18 months be allowed for the continued use of unmodified overpacks. After 18 months the use of unmodified overpacks would be prohibited.

Similarly, there may be new overpacks on order or under construction. A cutoff date of 6 months after the publication of the final rule is proposed for new construction to the old design. These overpacks would, however, have to be modified in the same way as existing ones.

MTB has determined that this proposed regulation will not result in a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.).

Based on limited information available concerning size and nature of entities likely to be affected by this proposal, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities because the overall economic impact of this proposal will be minimal. A regulatory evaluation is available for review in the docket.

List of Subjects in 49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, Part 178 of 49 CFR would be amended as follows:

PART 178—SHIPPING CONTAINER SPECIFICATIONS

§ 178.121–2 [Amended]

1. In § 178.121–2, paragraphs (b) and (g) would be amended by removing the period after "equivalent" and adding "; or as specified in CAPE–1662."

2. Section 178.121–5 would be added to read as follows:

§ 178.121–5 Construction of new 21PF–1 overpacks.

Each 21PF–1 overpack constructed after April 1, 1985 must conform with drawings E–S–31536–J, Revision L and E–S–31536–J2, Revision 0 of the CAPE–1662.

3. Section 178.121–6 would be added to read as follows:

§ 178.121–6 Modification of certain 21PF–1 overpacks.

(a) Each specification 21PF–1 overpack constructed in accordance with drawing E–S–31536–J, Revision 11 of CAPE–1662 must be modified in accordance with drawing S/E–31536–J1, Revision 0 of CAPE–1662 no later than October 1, 1986.

(b) Each specification 21PF–1 overpack that is modified in accordance with paragraph (a) of this section must also be:

(1) Marked in the immediate vicinity of the marking required by § 178.121–3(b)(1), the word "MODIFIED";

(2) Stamped on or near the nameplate "TARE WT:XXX lbs (or kg)" where XXX is the tare weight of the assembled, modified overpack without the inner container. The previous tare weight marking must be changed to reflect the modified tare weight value or must be covered or obliterated;

(3) Stamped with the month and year of modification in a manner clearly distinguishable from the year of manufacture marking required by § 178.121–3(b)(3); and

(4) Marked with the name or symbol of the person making the marks specified in this section.

(49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53; 49 CFR App. A to Part 1, and paragraph (a)(2) of Apendix A to part 106)

Issued in Washington, D.C. on August 10, 1984.

Joseph T. Horning,

Acting Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84–21778 Filed 8–15–84; 8:45 am]

BILLING CODE 4910–60–M

Notices

Federal Register
Vol. 49, No. 160
Thursday, August 16, 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

Food and Nutrition Service

National Average Minimum Value of Donated Foods for the Period July 1, 1984, Through June 30, 1985

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the value of donated foods or, where applicable, cash in lieu thereof, to be given in the 1985 school year for each lunch served by schools participating in the National School Lunch Program or as commodity schools and for each lunch and supper served by institutions participating in the Child Care Food Program.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Administration Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22303, (703) 756–3660.

SUPPLEMENTARY INFORMATION: This action, which implements mandatory provisions of sections 6(e), 14(f), and 17(h) of the National School Lunch Act (the Act), has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512. It has been classified as "nonmajor", because it meets none of the three criteria in the Executive Order; the action will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs, and will not have a significant impact on competition, employment, productivity, innovation, or the ability of U.S. enterprises to compete.

The action has also been reviewed with regard to the requirements of Pub. L. 96–354, the Regulatory Flexibility Act of 1980. Robert E. Leard, Administrator, Food and Nutrition Service, has determined that it will not have a significant economic impact on a substantial number of small entities. The purpose of the action is to notify States of the level of donated-food assistance to be provided during the 1985 school year.

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review.

Section 6(e) of the Act establishes the national average value of donated-food assistance to be given to States for each lunch served in the National School Lunch Program at 11.00 cents per meal. This amount is subject to annual adjustment as of July 1 of each year to reflect changes in the Price Index for Food Used in Schools and Institutions. Section 17(h) of the Act provides that the same value of assistance in donated foods for school lunches shall also be established for lunches and suppers served in the Child Care Food Program. Notice is hereby given that the national average minimum value of donated foods, or cash in lieu thereof, per lunch under the National School Lunch Program (7 CFR Part 210) and per lunch and supper under the Child Care Food Program (7 CFR Part 226) shall be 12.00 cents for the period July 1, 1984, through June 30, 1985. This constitutes a .50 cent per lunch increase over the rate in effect for the 1984 school year, which was 11.50 cents per lunch.

The Price Index for Food Used in Schools and Institutions is computed on the basis of five major food components in the Bureau of Labor Statistics' Producer Price Index (cereal and bakery products; meats, poultry and fish; dairy products; processed fruits and vegetables; and fats and oil). Each component is weighted using the same relative weight as determined by the Bureau of Labor Statistics. The value of food assistance is adjusted each July 1 by the annual percentage change in a three-month simple average value of this Price Index for March, April and May. The three-month average of the Price Index increased by 4.1 percent, from a revised value of 256.0 for March, April and May of 1983 to an initial value of 266.6 for the same three months in 1984. When computed on the basis of unrounded data and rounded to the nearest one-quarter cent, the resulting national average for the period July 1, 1984, through June 30, 1985, will be 12.00 cents per meal.

Section 14(f) of the Act provides that commodity-only schools shall be eligible to receive donated foods equal in value to the sum of the national average value of donated foods established under section 6(e) of the Act and national average payment established under section 4 of the Act. Such schools are eligible to receive up to 5 cents of this value in cash for processing and handling expenses related to the use of such foods. Commodity-only schools are defined in section 12(d)(8) of the Act as "schools which do not participate in the school lunch program under this Act but which receive commodities made available by the Secretary for use in nonprofit lunch programs".

In interim regulations published on April 15, 1982 (47 FR 15978–86) to implement the provisions of section 14(f), it was indicated that the term "commodity schools" will be used for such schools instead of "commodity-only schools".

For the 1985 school year, commodity schools shall be eligible to receive donated-food assistance valued at 24.00 cents for each lunch served. This amount is based on the sum of the section 6(e) level of assistance announced in this notice and the adjusted section 4 minimum national average payment factor for school year 1984 announced by the Department on July 6, 1984 (49 FR 27799). The section 4 factor for commodity schools does not include the 2-cents per lunch increase for lunches served in the second preceding year free or at reduced prices, since that increase is applicable only to schools participating in the National School Lunch Program.

(Catalog of Federal Domestic Assistance Nos. 10.550, 10.555, and 10.558)

Authority: Sections 6, 14 and 17 of the National School Lunch Act, as amended, 42 U.S.C. 1755, 1766.

Dated: August 9, 1984.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 84–21858 Filed 8–15–84; 8:45 am]

BILLING CODE 3410–30–M

Forest Service

Uinta National Forest Grazing Advisory Board; Meeting

The Uinta National Forest Grazing Advisory Board meeting scheduled for Thursday, August 16, 1984, has been rescheduled. It will be held on Tuesday, September 18, 1984. The Board will meet at 10:00 a.m. at the mouth of Coal Mine Hollow (north side of Currant Creek Reservoir).

The purpose of this meeting is to have a field review of current management plans and review planning and utilization of the Range Betterment Fund.

The meeting will be open to the public. Those who wish to participate will need to supply their own saddle horse and equipment. Persons who wish to attend should notify Ward F. Savage, Uinta National Forest Supervisor's Office, P.O. Box 1428, Provo, UT 84601, telephone (801) 377-5780. Written statements may be filed with the Board before and after the meeting.

Dated: August 10, 1984.

Don T. Nebeker,

Forest Supervisor.

[FR Doc. 84-21755 Filed 8-15-84; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Shawnee Kiln-Dryed Firewood Demonstration RC&D Measure, Illinois; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Eckes, State Conservationist, Soil Conservation Service, Springer Federal Building, 301 North Randolph Street, Champaign, Illinois 61820, telephone 217-398-5271.

Notice: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Shawnee Kiln-Dryed Firewood Demonstration RC&D Measure, Pope County, Illinois.

The environmental assessment of this Federal action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. John J. Eckes, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of a commercial firewood kiln drying facility for demonstration purposes. The planned works of improvement include the installation of a double chambered rapid drying 40 cord capacity firewood kiln. Associated equipment includes stacking deck, two bio-mass furnace systems and loading and unloading facilities.

The Notice of a Finding of No Significant Impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. John J. Eckes, State Conservationist, Soil Conservation Service, Springer Federal Building, 301 North Randolph Street, Champaign, Illinois 61820, telephone 217-398-5271. A combined environmental assessment and finding of no significant impact has been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the finding of no significant impact are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication.

Dated: August 10, 1984.

Clayton R. Miller,

Acting State Conservationist.

[FR Doc. 84-21793 Filed 8-15-84; 8:45 am]

BILLING CODE 3410-16-M

Meigs County Roadbanks RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of Finding of No Significant Impact.

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

FOR FURTHER INFORMATION CONTACT: Harry W. Oneth, State Conservationist, Soil Conservation Service, Federal Building, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone (614)-469-6962.

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

This measure concerns a plan for critical area treatment on an inactive sanitary landfill site and along county roads. Planned works of improvement include diversions, grade stabilization structures, and critical area planting.

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

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

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

Dated: August 9, 1984.

Harry W. Oneth,

State Conservationist.

[FR Doc. 84-21797 Filed 8-15-84; 8:45 pm]

BILLING CODE 3410-16-M

Schwartzkopf Park RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of Finding of No Significant Impact.

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

Schwartzkopf Park RC&D Measure, Union County, Ohio.

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

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

This measure concerns a plan for critical area treatment along Mill Creek to control accelerated streambank erosion. Planned works of improvement include sloping and lining a streambank section with riprap and critical area planting.

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

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

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

Dated: August 9, 1984.

Harry W. Oneth,

State Conservationist.

[FR Doc. 84–21795 Filed 8–15–84; 8:45 am]

BILLING CODE 3410–16–M

Urbana High School RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of Finding of No Significant Impact.

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

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

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

This measure concerns a plan for critical area treatment to control erosion and sedimentation on Urbana High School property. Planned works of improvement include diversions, catch basins, subsurface drains, and critical area planting.

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

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

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

Dated: August 9, 1984.

Harry W. Oneth,

State Conservationist.

[FR Doc. 84–21796 Filed 8–15–84; 8:45 am]

BILLING CODE 3410–16–M

West Liberty Schools RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of Finding of No Significant Impact.

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

FOR FURTHER INFORMATION CONTACT: Harry W. Oneth, State Conservationist, Soil Conservation Service, Federal Building, 200 North Highway Street, Room 522, Columbus, Ohio 43215, telephone: (614)–469–6962.

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

This measure concerns a plan for flood prevention on school athletic facilities. Planned works of improvement include diversions, surface and subsurface drains, an erosion control structure, and critical area planting.

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

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

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

Dated: August 9, 1984.

Harry W. Oneth,

State Conservationist.

[FR Doc. 84–21798 Filed 8–15–84; 8:45 am]

BILLING CODE 3410–16–M

CIVIL RIGHTS COMMISSION

New Mexico Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Mexico Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 6:00 p.m., on September 27, 1984, at the Sheraton-Santa Fe Inn, Boardroom, 750 N. Street Frances Drive, Santa Fe, New Mexico 87501. The purpose of the meeting is to discuss a followup to the New Mexico Political Participation project.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Southwestern Regional Office at (512) 229-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

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

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-21751 Filed 8-15-84; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-063]

Certain Iron-Metal Castings From India; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration Import/Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain iron-metal castings from India. The review covers the period January 1, 1982 through December 31, 1982.

As a result of the review, the Department has preliminarily determined the net subsidy to be 2.80 percent *ad valorem* for 1982. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 16, 1984.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 56092) the final results of its last administrative review of the countervailing duty order on certain iron-metal castings from India (46 FR 16921; October 16, 1980) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of Indian manhole covers and frames, clean-out covers and frames, and catch basin grates and frames. Such merchandise is currently classifiable under items 657.0950 and 657.0990 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1982 through December 31, 1982, and nine programs: (1) A rebate upon export of indirect taxes under the Cash Compensatory Support Program ("CCS"), (2) pre-shipment export loans; (3) income tax deductions under the Export Markets Development Allowance; (4) grants through the Market Development Assistance Program; (5) the sale of Import Replenishment Licenses; (6) extension of the Kandla Free Trade Zone; (7) supply of raw materials at "subsidized prices"; (8) preferential freight rates, and (9) import duty exemptions on capital equipment purchase.

Analysis of Programs

(1) *CCS Program*

The Government of India introduced the CCS program in 1966 with the primary purpose of rebating upon exportation indirect taxes on merchandise. The rebates are paid as a percentage of the f.o.b. invoice price. In the final results of our last administrative review, we found that the Indian government had satisfactorily demonstrated the requisite linkage between the tax incidence on the product and the CCS payment.

Although the Indian government rebates upon export various indirect taxes through the CCS program, the Tariff Act and the Commerce Regulations allow the rebate of only the following: (1) Indirect taxes borne by inputs that are physically incorporated in the exported product (see Annex 1.1 of part 355 of the Commerce Regulations); and (2) indirect taxes at the final stage (see Annex 1.2 of part 355 of the Commerce Regulations). If the payment upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

Since our last review two changes occurred in the indirect taxes paid on raw materials. The Indian government did not collect a Steel Development Levy for pig iron during 1982 and the Government of the State of West Bengal increased its sales tax by 1 percent, effective October 1, 1982.

Because of these changes the average indirect tax incidence on this merchandise for calendar year 1982 fell below the 5 percent CCS payment. We preliminarily determine the net subsidy from this program to be 1.88 percent *ad valorem.*

Because the increase in the West Bengal sales tax became effective late in 1982, for purposes of cash deposits of estimated countervailing duties, we preliminarily determine the potential net subsidy from this program to be 1.68 percent *ad* valorem.

(2) *Pre-Shipment Export Loans*

The Reserve Bank of India, through commercial banks, provides pre-shipment of "packing" credit to exporters, allowing them to purchase raw materials, packing materials, etc., based on presentation of a confirmed order or letter of credit. In general, the loans are granted for a period of 90 to 180 days, with penalty charges for late interest payments. During the review period, the preferential rate of interest under this program was 12.5 percent. The average comparable commercial interest rate during the 1982-1983 fiscal year was 19.5 percent as quoted by the World Bank from the Reserve Bank of India's Report on Currency and Finance. Therefore, based on the actual use of this program for calendar year 1982, we preliminarily find a net subsidy from this program of 0.74 percent *ad valorem.*

(3) *Income Tax Deductions Under the Export Markets Development Allowance*

Under Article 35B of the Finance Act, the Govenment of India allows exporters to deduct 133 percent of certain expenses related to market development. However, because the Indian government allows deduction of 100 percent of such expenses for non-export sales, we focus on the remaining

33 percent as the benefit. After reviewing the tax claims of casting exporters during the period of review, we preliminarily find a net subsidy from this program of 0.18 percent *ad valorem*.

On May 13, 1983, the Indian government published in the Gazette of India the Finance Act of 1983, which included an amendment to Article 35B. Effective April 1, 1983, no income tax benefits are available for expenditures incurred after March 1, 1983. For purposes of cash deposit of estimated countervailing duties, we preliminarily determine that no potential benefit exists from this program.

(4) *Other Programs*

We also examined the following programs, which we preliminarily find exporters of certain iron-metal castings did not use during the review period:

(A) Market Development Assistance Grants;

(B) Sale of Import Replenishment Licenses;

(C) Extension of the Kandla Free Trade Zone;

(D) Supply of raw materials at subsidized prices;

(E) Preferential freight rates;

(F) Import duty exemptions on capital equipment purchases.

Preliminary Results of the Review

As a result of the review, we preliminarily determine the total net subsidy to be 2.80 percent *ad valorem* for the period January 1, 1982 through December 31, 1982. The Department intends to instruct the Customs Service to assess countervailing duties of 2.80 percent of the f.o.b. invoice price on any shipments of this merchandise exported on or after January 1, 1982, and on or before December 31, 1982.

The Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided for by section 751(a)(1) of the Tariff Act, of 2.42 percent of the entered value on any shipment of certain iron-metal castings from India entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: August 10, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-21804 Filed 8-15-84; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor Textile Advisory Committee; Open Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held Wednesday, September 26, 1984, 1:00 p.m., Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue NW., Washington, D.C. (The Committee was established by the Secretary of Commerce on August 13, 1963 to advise Department officials of the effects on import markets of cotton, wool, and man-made fiber textile and apparel agreements).

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

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

Dated: August 13, 1984.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 84-21801 Filed 8-15-84; 8:45 pm]

BILLING CODE 3510-DR-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Amendment to an Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an amendment to an export trade certificate of review to Savannah Sales Corporation. This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this amendment. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to the certificate as "Amendment #1, Export Trade Certificate of Review, application number 84-00017."

FOR FURTHER INFORMATION CONTACT: George Muller, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202-377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595-604 (March 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suite under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant;

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant; and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937–40 (April 13, 1983). Section 304 of the Act provides, "An application for an amendment to a certificate of review shall be treated as an application for the issuance of a certificate."

The Office of Export Trading Company Affairs received an application for an amendment to an export trade certificate of review from Savannah Sales Corporation on June 27, 1984. The application was deemed submitted on July 2, 1984. A summary of the application was published in the **Federal Register** on July 16, 1984 (49 FR 28750–51 (1984)).

Description of Certified Conduct

Based on analysis of the application and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the proposed amendment meets the four standards of the Act.

Accordingly, the Export Trade Certificate of Review, application No. 84–00017, issued on June 4, 1984, is amended as follows:

Paragraph (a) under the caption "Export Trade" is revised to read,

"(a) Wood Chips, including residue wood chips (Standard Industrial Classification (SIC) number 24215) and pulpwood chips (SIC number 24113)."

Effective Date of the Amendment

In accordance with section 304(a)(2) of the Act, this amendment is effective from July 2, 1984, the date on which the application for the amendment was deemed submitted.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The certificates may be inspected and copied in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling 202–377–3031.

Dated: August 13, 1984.

Irving P. Margulies,

General Counsel.

[FR Doc. 84–21886 Filed 8–15–84; 8:45 am]

BILLING CODE 3510–DR–M

National Telecommunications and Information Administration

Performance Review Board; Listing

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the National Telecommunications and Information Administration Senior Executive Service, (SES) Performance Appraisal System:

Susan G. Steubing
Dennis R. Connors
Larry Eads
Robert Wilson
James Moore
Richard D. Parlow
William Gamble
William F. Utlaut
Roger K. Salaman
Charles M. Rush
Francis S. Urbany

Jo Ann Sondey-Hersh,

Executive Secretary, National Telecommunications and Information Administration, Performance Appraisal System.

[FR Doc. 84–21794 Filed 8–15–84; 8:45 am]

BILLING CODE 3510–BS–M

National Oceanic and Atmospheric Administration

Membership of National Oceanic and Atmospheric Administration Performance Review Boards

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of membership of NOAA Performance Review Boards.

SUMMARY: In conformance with the Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4), NOAA announces the appointment of persons to serve as members of NOAA Performance Review Boards (PRB's). The NOAA PRB's are responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) members and making written recommendations to the appointing authority on SES retention and compensation matters, including performance-based pay adjustments, awarding of bonuses and amounts, and initial recommendations for potential rank awards. The appointment of these members to the NOAA PRB's will be for periods of approximately 12 months service for Group A and 24 months service for Group B; service periods for both groups will officially begin on August 31, 1984.

EFFECTIVE DATE: The effective of service of appointees to the NOAA Performance Review Board is August 31, 1984.

FOR FURTHER INFORMATION CONTACT: Robert P. Gajdys, Personnel Officer, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852, (301) 443–8781.

SUPPLEMENTARY INFORMATION: The names and titles of the members of the NOAA PRB's (NOAA officials unless otherwise identified) are set forth below:

Group A

Joseph W. Angelovic—Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service
Carmen J. Blondin—Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service
William D. Bonner—Director, National Meteorological Center, National Weather Service
John J. Carey—Director, Office of Budget and Finance
Robert L. Carnahan—Chief, External Relations and Industrial Meteorology Staff, National Weather Service
Vernon E. Derr—Director, Environmental Research Laboratories, Office of Oceanic and Atmospheric Research
Joan C. Hock—Director, Assessment and Information Services Center, National Environmental Satellite, Data and Information Services
Kikuro Miyakoda—Supervisory Research Meteorologist, Geophysical Fluid Dynamics Laboratories, Office of Oceanic and Atmospheric Research
Edward L. Ridley—Director, National Oceanographic Data Center, National Environmental Satellite, Data and Information Services
Arlene Schley—Director, Central Administrative Support Center
Orcutt P. Drury, Deputy Director, Office of Strategic Resources, Department of Commerce

Wayne Cassatt, Deputy Director, Center for Radiation Research, National Bureau of Standards

Group B

Leo Palensky—Director, National Capital Support Center
Kelly C. Sandy—Director, Western Administrative Support Center
Robert S. Smith—Director, Eastern Administrative Support Center
Mirco P. Snidero—Director, National Capital Administrative Support Center
Kathleen J. Charles—Deputy Director, Office of Budget and Finance
Alan D. Hecht—Director, National Climate Program Office
Timothy R. Keeney—Deputy General Counsel for Policy, Research, Services and Coastal Zone
Augustine J. LaCovey—Director, Office of Public Affairs
Robert J. McManus—General Counsel
Izadore Barrett—Director, Southwest Fisheries Center, National Marine Fisheries Service
Bernard H. Chovitz—Chief Geodesist, Office of Charting and Geodetic Services, National Ocean Service
Bruce C. Douglas—Chief, Geodetic Research and Development Laboratory, Office of Charting and Geodetic Services, National Ocean Service
William Matuszeski—Director, Coastal Zone Management Program Office, National Ocean Service
Andrew Robertson—Director, National Marine Pollutions Program Office, National Ocean Service
Peter L. Tweedt—Director, Ocean and Coastal Resource Management Office, National Ocean Service
William P. Bishop—Deputy Assistant Administrator for Satellites, National Environmental Satellite, Data and Information Services
Michael A. Chinnery—Director, National Geophysical Data Center, National Environmental Satellite, Data and Information Services
Russell Koffler—Director, Office of Satellite Data Processing and Distribution, National Environmental Satellite, Data and Information Service
John H. McElroy—Assistant Administrator, National Environmental satellite, Data and Information Services
Richard P. Augulis—Director, Eastern Region, National Weather Service
Louis J. Boezi—Chief, Advanced Systems Laboratory, National Weather Service
Robert A. Clark—Director, Office of Hydrology, National Weather Service
Anthony F. Durham—Director, NEXRAD Joint Systems Program, National Weather Service
Neil L. Frank—Director, National Hurricane Center, National Weather Service
Elbert W. Friday—Deputy Director, National Weather Service
Ray E. Jensen—Director, Southern Region, National Weather Service
Frederick P. Ostby—Director, National Severe Storms Forecast Center, National Weather Service
Robert B. Wassall—Director, Central Region, National Weather Service
Eugene J.Aubert—Director, Great Lakes Environmental Research Laboratory, Office of Oceanic and Atmospheric Research
Eddie Bernard—Director, Pacific Marine Environmental Laboratory, Office of Oceanic and Atmospheric Research
Hugo F. Bezdek—Director, Atlantic Oceanographic and Meteorological Laboratories, Office of Oceanic and Atmospheric Research
Kirk Bryan—Supervisory Research Meteorologist, Geophysical Fluid Dynamics Laboratory, Office of Oceanic and Atmospheric Research
Eldon E. Ferguson—Director, Aeronomy Laboratory, Office of Oceanic and Atmospheric Research
Joseph O. Fletcher—Assistant Administrator, Office of Oceanic and Atmospheric Research
Alan R. Thomas—Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research
Claude C. Gravatt, Jr.—Deputy Director, Programs, National Measurement Laboratory, National Bureau of Standards
Harriet G. Jenkins—Assistant Administrator for Equal Opportunity Programs, National Aeronautics & Space Administration
Rupert B. Southard—Chief, National Mapping Division, United States Geological Survey

Dated: August 10, 1984.

Samuel A. Lawrence,

Director, Office of Administrative and Technical Services.

[FR Doc. 84-21762 Filed 8-15-84; 8:45 am]
BILLING CODE 3510-12-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Limits for Certain Cotton Textile Products From the Dominican Republic

August 13, 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 17, 1984. For further information contact Ross Arnold, International Trade Specialist (202) 377-4212.

Background

A CITA directive establishing import limits for specific categories of cotton, and man-made fiber textile products, including men's and boys' shirts in Category 340, nightwear in Category 351, women's, girls' and infants' knit shirts and blouses in Category 639, and brassieres in Category 649, produced or manufactured in the Dominican Republic, and exported during the twelve-month period which began on June 1, 1984, was published in the **Federal Register** on June 1, 1984 (49 FR 22852). The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1983 provides for the carryover of shortfalls in certain categories from the previous agreement year. Accordingly, at the request of the Government of the Dominican Republic carryover is being applied to the current-year limits for Categories 340, 351, 639 and 649.

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.

August 13, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of May 29, 1984 from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain specific categories of cotton and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on June 1, 1984.

Effective on August 17, 1984, the directive of May 29, 1984 is hereby amended to adjust the previously established restraint limits for categories 340, 351, 639 and 649 to the following amounts under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1983:[1]

[1] The Agreement provides, in part, that (1) specific limits may be exceeded by designated percentages

Continued

Category	Adjusted 12-mo restraint limit [1]
340	190,032 dozen.
351	441,824 dozen.
639	428,760 dozen.
649	2,197,245 dozen.

[1] The levels have not been adjusted to account for any imports exported after May 31, 1984.

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. 84-21803 Filed 8-15-84; 8:45 am]

BILLING CODE 3510-OR-M

Increasing the Import Limits for Certain Cotton Textiles Produced or Manufactured in Egypt

August 13, 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 17, 1984. For further information contact Gordana Slijepcevic, International Trade Specialist (202) 377-4212.

Background

On July 25, 1984 a notice was published in the **Federal Register** (49 FR 30005) announcing that the Governments of the United States and the Arab Republic of Egypt had agreed to amend their Bilateral Cotton Textile Agreement of December 7 and 28, 1977, as extended, to establish specific limits for carded and combed cotton yarn in Categories 300 and 301, among others, for goods produced or manufactured in Egypt and exported during 1984. The notice further announced that flexibility in the form of carryforward is available for application to Categories 300 and 301 in 1984. In accordance with the terms of the bilateral agreement, as amended and extended, and at the request of the Government of the Arab Republic of Egypt, the Government of the United States is applying carryforward to the specific limits established for Categories 300 and 301, raising those limits to 7,292,800 pounds and 1,187,200 pounds, respectively. The amounts of carryforward used during 1984 will be deducted from the limits established for these categories in 1985.

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.

August 13, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of July 19, 1984 from the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textiles and cotton textile products, produced or manufactured in Egypt.

Effect on August 17, 1984, you are directed to increase the restraint limits established for the following categories in the directive of July 19, 1984 to the limits indicated, according to the terms of the Bilateral Cotton Textile Agreement of December 7 and 28, 1977, as amended and extended, between the Governments of the United States and the Arab Republic of Egypt.[1]

Category	Amended 12-no limit [1]
300	7,292,800 pounds.
301	1,187,200 pounds.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1983.

The Committee for the Implementation of Title Agreements has determined that these actions 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. 84-21805 Filed 8-15-84; 8:45 am]

BILLING CODE 3510-DR-M

[1] The agreement provides, in part, that (1) specific limits may be exceeded by designated percentages to account for swing, except that no swing will be available between Categories 300 and 301; and (2) specific limits may be increased for carryforward.

to account for swing, provided that an equal amount in equivalent square yards is deducted from another specific limit; and (2) specific limits may also be increased for carryover and carryforward.

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Tuesday and Wednesday, 4 & 5 September 1984.

Times of meeting: 0830-1700 hours (Closed).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on Nondevelopmental C³I Items will meet in an Executive Session for discussion and finalization of the report (writing session). The purpose of the study is to effect an increase in the purchase of "off the shelf" equipment for the Army whenever feasible. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 84-21860 Filed 8-15-84; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before September 17, 1984.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208 New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of

Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that the public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform the statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information requests prior to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting Burden; and/or (7) Recordkeeping Burden; and (8) Abstract.

OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: August 13, 1984.

Ralph J. Olmo,

Acting Deputy Under Secretary for Management.

Office of Elementary and Secondary Education

Type of Review Requested: NEW
Title: WEEA Financial Status Report and Performance Report
Agency Form Number: ED 436–2
Frequency: Annually
Affected Public: Individuals or Households; State or Local Governments; Non-Profit Institutions

Reporting Burden

Responses: 70
Burden Hours: 700

Recordkeeping Burden

Recordkeepers: 70
Burden Hours: 5.6

Abstract: Receipients of grants under the Women Educational Equity Program (WEEA) are required to submit a Financial Status and a Performance Report annually. Reports are used to monitor compliance with terms and conditions of grant awards.

Office of Educational Research and Improvement

Type of Review Requested: NEW
Title: Public Response to Efforts to Improve Academic Standards in Secondary Schools
Agency Form Number: ED 2464
Frequency: Non-Recurring
Affected Public: Individuals or Households

Reporting Burden

Responses: 1,300
Burden Hours: 540.8

Recordkeeping Burden

Recordkeepers: 0
Burden Hours: 0

Abstract: This survey of 1,300 households nationwide will examine perceptions of secondary school personnel and the depth of public support for efforts to raise academic standards. The results will assist policy makers at all levels who seek to improve secondary schools and who need practical information about the public's opinion on these matters.

Type of Review Requested: EXTENSION
Title: Application for Grants Under Library Career Training Program
Agency Form Number: ED 547
Frequency: Annually
Affected Public: Non-Profit Institutions

Reporting Burden

Responses: 70
Burden Hours: 840

Recordkeeping Burden

Recordkeepers: 0
Burden Hours: 0

Abstract: This application form is necessary to elicit institutional and proposed project data called for by the selection criteria and which is used by field readers and program staff to evaluate the merit of a proposal and to determine funding levels.

Office of Postsecondary Education

Type of Review Requested: REVISION
Title: Application for Federal Student Aid
Agency Form Number: ED 225
Frequency: Annually
Affected Public: Individuals or Households

Reporting Burden

Responses: 5,300,000
Burden Hours: 5,830,000

Recordkeeping Burden

Recordkeepers: 10,000
Burden Hours: 10,000

Abstract: This form is needed to collect the data necessary to determine whether the student is eligible for Federal student aid funds and to calculate a uniform methodology number which financial aid administrators may use to award other types of financial aid.

Title: Special Condition Application for Federal Student Aid
Agency Form Number: ED 225–2
Frequency: Annually
Affected Public: Individuals or Households

Reporting Burden

Responses: 236,000
Burden Hours: 259,000

Recordkeeping Burden

Recordkeepers: 875
Burden Hours: 875

Abstract: This form is needed to collect the data necessary when a student's family financial situation changes, to determine whether the student is eligible for Federal student aid funds, and to calculate a uniform methodology number which financial aid administrators may use to award other types of financial aid.

Title: Fiscal Operations Report and Application to Participate in the National Direct Student Loan, Supplemental Education Opportunity Grants and College Work Study Programs (Gateway Project)
Agency Form Number: ED 646–1 (Electronic)
Frequency: Annually
Affected Public: Businesses or Other For Profit

Reporting Burden

Responses: 300
Burden Hours: 8,811

Recordkeeping Burden

Recordkeepers: 300
Burden Hours: 24

Abstract: The application data is used to compute the amount of funds needed by each institution during the award period. The Fiscal Operation's Report data is used to assess program effectiveness and accountability of funds expended during the award period. This information will be collected through the use of electronic transmission from approximately 300 institutions of higher education.

Type of Review Requested: EXTENSION
Title: Guarantee Agency Quarterly Report/Guarantee Agency Annual Report

Agency Form Number: ED 1130
Frequency: Annually
Affected Public: State or Local Governments

Reporting Burden

Responses: 300
Burden Hours: 2,580

Recordkeeping Burden

Recordkeepers: 0
Burden Hours: 0

Abstract: The Guarantee Agency Quarterly/Annual Report is submitted by 60 agencies operating student loan insurance programs under agreement with ED. It is used to evaluate agency operations, make payments to agencies as authorized by law and to make reports to the Congress and others.

Title: Lender's Manifest for Federally Insured Loans
Agency Form Number: ED 1151
Frequency: Monthly
Affected Public: Businesses or Other For Profit Organizations

Reporting Burden

Responses: 144,000
Burden Hours: 72,000

Recordkeeping Burden

Recordkeepers: 12,000
Burden Hours: 72,000

Abstract: Lenders use this form to report all disbursements, the conversion of loans to repayment and loans paid in full under the Federally Insured Student Loan Program. Additionally, this form allows lenders to maintain a record of disbursements for which an insurance premium is to be paid at a later date.

Title: Application for Foreign Language and Area Studies Projects
Agency Form Number: ED 324
Frequency: Annually
Affected Public: State or Local Governments; Non Profit Institutions

Reporting Burden

Responses: 690
Burden Hours: 25,800

Recordkeeping Burden

Recordkeepers: 0
Burden Hours: 0

Abstract: This form is used by applicants to apply for a grant award and to determine grant eligibility and amount of awards.

Office of Management

Type of Review Requested: EXISTING
Agency Form Number: ED 2034
Title: Recordkeeping Requirements under The Family Educational Rights and Privacy Act
Frequency: Recordkeeping Reporting
Affected Public: State or Local Governments; Businesses or Other For-Profit Organizations; Non-Profit Institutions; Small Businesses or Organizations

Reporting Burden

Responses: 0
Burden Hours: 0

Recordkeeping Burden

Recordkeepers: 23,750
Burden Hours: 4,037

Abstract: The Family Educational Rights and Privacy Act requires each educational agency and institution to maintain a record of parties who have requested or obtained access to a student's education records.

[FR Doc. 84-21807 Filed 8-15-84; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Refineries Task Group of the Committee on the Strategic Petroleum Reserve; Meeting

Notice is hereby given that the Refineries Task Group of the Committee on the Strategic Petroleum Reserve will meet in September 1984. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on the Strategic Petroleum Reserve will address various aspects of the Strategic Petroleum Reserve and the long-term availability and movement patterns of tankers worldwide. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Refineries Task Group will hold its fourth meeting on Thursday, September 13, 1984, starting at 9:00 a.m., in Room Eleven of the Amoco Oil Company, 200 East Randolph Drive, Chicago, Illinois.

The tentative agenda for the Refineries Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review the progress of the data group.
3. Discuss crude quality adjustments for the Standard Sales Provisions.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Refineries Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Refineries Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Gerald J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on August 10, 1984.

William A. Vaughan,
Assistant Secretary, Fossil Energy.

[FR Doc. 84-21871 Filed 8-15-84; 8:45 am]
BILLING CODE 6450-01-M

Procurement and Assistance Management Directorate; Restriction of Eligibility for Grant Award

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of Restriction of Eligibility for Grant Award.

SUMMARY: DOE announces that, pursuant to 10 CFR 600.7(b), it intends to award on a restricted eligibility basis a grant to the National Academy of Sciences for an assessment of Physical and Chemical Oceanographic Research in the Southern Ocean. The grant is valued at $10,000 and is for a 12-month period.

Project scope: The National Academy of Sciences' Polar Research Board jointly with the Board on Ocean Science and Policy will establish an ad hoc Committee on Southern Ocean Physical/Chemical Oceanography Research to prepare an authoritative assessment on the needs and priorities of Antarctica geosciences research. Eligibility for this award is being limited to the National Academy of Sciences because its Polar Research Board and Board on Ocean Science and Policy are capable of assembling world-renowned experts on this topic who will be able to provide this authoritative assessment on a timely basis.

Procurement request: 01-84ER60266.000.

FOR FURTHER INFORMATION CONTACT: Thomas E. Brown, MA-452.1, U.S. Department of Energy, Office of

Procurement Operations, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone No: (202) 252–1026.

Issued in Washington, D.C., on August 10, 1984.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 84–21865 Filed 8–15–84 8:45 am]

BILLING CODE 6450–01–M

Procurement and Assistance Management Directorate; Restriction of Eligibility for Grant Award

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of Restriction of Eligibility for Grant Award.

SUMMARY: DOE announces that, pursuant to 10 CFR 600.7(b), it intends to award on a restricted eligibility basis a grant to the National Academy of Sciences for partial support of the Institute of Laboratory Animal Resources. The grant is valued at $21,000 and is for a 12-month period.

Project Scope: The objective of this grant award is to continue support of the activities of the Institute of Laboratory Animal Resources (ILAR) which develops and makes available to the biomedical research community scientific and technical information on laboratory animals. Eligibility for this grant award is being limited to the National Academy of Sciences because this ongoing science coordinating and information sharing activity is only performed by the National Academy.

Procurement request: 01–84ER60260.000.

FOR FURTHER INFORMATION CONTACT: Thomas E. Brown, MA–452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone No: (202) 252–1026.

Issued in Washington, D.C. on August 10, 1984.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 84–21857 Filed 8–15–84; 8:45 am]

BILLING CODE 6450–01–M

Procurement and Assistance Management Directorate; Restriction of Eligibility for Grant Award

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of Restriction of Eligibility for Grant Award.

SUMMARY: DOE announces that, pursuant to 10 CFR 600.7(b), it intends to award on a restricted eligibility basis a continuation grant to the National Academy of Sciences to support several committees in the geosciences. The grant is valued at $400,000 and is for a two year period.

Project scope: The objective of this continuation award is to support the operation of the Academy's Geophysics Study Committee, Committee on Seismology, N.S. Geodynamics Committee, Continental Scientific Drilling Committee, Board on Earth Sciences, and Geophysics Film Committee, Eligibility for this grant award is being limited to the National Academy of Sciences because for five of these committees, work is ongoing. The sixth committee, the Geophysics Film Committee, has already performed the preliminary coordination for the film it is developing and accordingly, it is the only organization which would be able to complete the project.

Procurement request: 01–84ER12018.003.

FOR FURTHER INFORMATION CONTACT: Thomas E. Brown, MA–452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone No.: (202) 252–1026.

Issued in Washington, D.C., on August 10, 1984.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 84–21868 Filed 8–15–84; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

GCO Minerals Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed Consent Order and Opportunity for Comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with GCO Minerals Company and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: September 17, 1984.

ADDRESS: Send comments to: James O. Neet, Jr., Chief Counsel, Dallas Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 200E, Dallas, Texas 75247.

FOR FURTHER INFORMATION CONTACT: James O. Neet, Jr., Chief Counsel, Dallas Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 200E, Dallas, Texas 75247, 214/767–7483. (Copies of the Consent Order may be obtained free of charge by writing or calling this office.)

SUPPLEMENTARY INFORMATION: June 7, 1984, the ERA executed a proposed Consent Order with GCO Minerals Company of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Audit

GCO Minerals Company (GCO) is a subsidiary of International Paper Company (IP), with its primary place of business in Houston, Texas. ERA's audit focused on General Crude Oil Company (General Crude) for the period August 19, 1973 through June 1979. During part of this period, General Crude was a subsidiary of IP. On July 6, 1979, General Crude was acquired by Mobil Oil Corporation. Pursuant to an indemnification agreement executed in connection with this acquisition, IP remained liable for issues raised by ERA's audit of General Crude prior to the acquisition and therefore, IP, through its subsidiary GCO, is the proper party to the Consent Order.

During the period covered by this Consent Order, General Crude was a gas plant owner and operator within the meaning of 10 CFR 212.162, and a refiner as defined in 10 CFR 212.31. General Crude sold various covered products, including crude oil, natural gas liquids and natural gas liquid products, and therefore was subject to the pricing limitations imposed by the Federal Petroleum Price and Allocation regulations. ERA conducted an audit to determine General Crude's compliance with the Federal Petroleum Price and Allocation Regulations. That audit, now

concluded, encompassed a review of General Crude's pricing policies and procedures, and the manner in which General Crude applied the Federal Petroleum Price and Allocation Regulations.

ERA's audit identified several potential issues from which overcharges could have resulted. At the close of the audit, ERA made certain allegations against General Crude in a Proposed Remedial Order (PRO) issued on October 2, 1983 (Case Number NGCPO0001; OHA Case Number HRO–0200). That PRO alleged that General Crude overcharged its customers of natural gas liquids (NGLs) and condensate in the total amount of $4,774,996 million during the audit period. Approximately $2.9 million of the alleged overcharges occurred in sales of NGLs and approximately $1.85 million in sales of condensate.

After issuance of the PRO, representatives of GCO met with representatives of ERA's Dallas Field Office in an attempt to resolve issues raised in the PRO. In the context of settlement negotiations, GCO hired a private accounting firm to perform a complete analysis of ERA's audit and General Crude's books and records. As a result of that analysis, which identified offsets to alleged overcharges and at least one error in ERA's audit workpapers, ERA's overcharge allegation was reduced from $4,774,996 to $2,473,350. The remaining overcharge allegation consisted of approximately $1.2 million in sales of NGLs and approximately $1.3 million in sales of condensate.

II. Settlement Analysis

A. NGLs

In order for ERA to prevail in its allegation of approximately $1.2 million of overcharges in sales of NGLs, it would be necessary to litigate and win dozens of legal issues. One primary issue involves a dispute between ERA and GCO concerning General Crude's class of purchase structure. Should GCO prevail on this issue alone, the entire NGL overcharge allegation would be eliminated. Should GCO prevail on a proposed compromise class of purchaser structure, all but approximately $300,000 of alleged overcharges would be eliminated. Among other legal issues which would have to be won in order for ERA to recover are the calculation of allowable increased non-product costs under Subpart K of 10 CFR, the proper calculation of recoveries of costs under Subpart E of 10 CFR and the proper calculation of alleged overcharges.

B. Condensate

In order for ERA to prevail in its allegation of approximately $1.3 million of overcharges in sales of condensate, it would be necessary for ERA to litigate and win a succession of four (4) separate legal issues. Should GCO prevail on any one of the four issues, the entire condensate allegation would be eliminated. The four issues involve legal interpretations of complicated regulatory provisions and one of the four requires a technical engineering opinion as to the status of a General Crude facility as either a gas plant or a mechanical separator.

C. Summary

Based upon the above analysis and considering the expenses to the government associated with litigating a highly complex case over the next several years, it is the opinion of ERA that a $1.8 million payment to DOE satisfactorily resolves issues raised in the General Crude audit. This amount includes interest.

III. The Consent Order

To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, and 212, in connection with General Crude's transactions involving petroleum products during the period August 19, 1973 through June 1979 ("the period covered by this Consent Order"), the ERA and GCO entered into a Consent Order, the significant terms of which are as follows:

A. The Consent Order is intended by the signatories to settle the civil issues between DOE and GCO relating to General Crude's compliance with the federal petroleum price and allocation regulations during the period from August 19, 1973 through June 1979.

B. ERA conducted a thorough audit to determine General Crude's compliance during the period covered by this Consent Order with the federal petroleum price and allocation statutes, regulations and requirements. ERA and GCO disagree in several respects concerning the proper application of such federal petroleum price and allocation statutes, regulations and requirements to General Crude's activities during the settlement period. GCO and ERA each believe that its respective positions on the legal issues underlying such disagreement are meritorious. Neither GCO nor ERA disavows any position it has taken with respect to such legal issues.

C. Notwithstanding the above, GCO maintains that it has calculated all of its costs, determined all of its prices, and operated in all other respects in accordance with all applicable statutes, regulations and other requirements. Execution of the Consent Order constitutes neither an admission by GCO nor a finding by ERA of any violation by General Crude of any statute or regulation.

IV. Refunds

A. Disposition of Refunds

Under the Consent Order, GCO will pay the sum of $1,800,000.00 to the Department of Energy within thirty (30) days after the effective date of this Consent Order. The DOE shall direct that these monies be deposited in the "Deposit Fund Escrow Account" maintained by the U.S. Treasury. Upon full satisfaction of the terms and conditions of this Consent Order by GCO, the DEO releases GCO and its affiliates from any civil claims that the DOE may have arising out of the specified transactions during the period covered by this Consent Order.

The foregoing provisions for payment of the refund amount were established because ERA was unable to readily identify the ultimate injured parties due to the nature of the alleged violations and the complexities of petroleum marketing.

V. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on GCO Minerals Company Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, 30 days after the date of publication of this notice. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, TX, on the 5th day of July 1984.

Ben Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 84–21870 Filed 8–15–84; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP82-54-013]

Colorado Interstate Gas Co.; Compliance Filing

August 10, 1984.

Take notice on that July 30, 1984, Colorado Interstate Gas Company (CIG) tendered for filing the following to be a part of its Service Agreement filed on July 9, 1984 in compliance with the Federal Energy Regulatory Commission's May 25, 1984, Order No. 380:

Pages 4 and 5 of its revised joint Service Agreement

The revised pages 4 and 5 include language providing for a reduction in Natural's minimum bill obligation for any gas CIG might be unable to deliver in a contract period.

CIG requests that, since this submission is made in compliance with a Commission Order, the Commission grant whatever waivers of its regulations as may be necessary to accept this filing.

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, DC 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 16, 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. 84-21838 Filed 8-15-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-109-000]

Distrigas Corp. and Distrigas of Massachusetts Corp.; Filing

August 10, 1984.

Take notice that on July 20, 1984, Distrigas Corporation (Distrigas) and Distrigas of Massachusetts Corporation (DOMAC) tendered for filing a "Motion For Reconsideration And Stay Of Order No. 380, Or, In The Alternative, For A Waiver."

Distrigas and DOMAC request the Commission to reconsider Order No. 380 and the accompanying regulations and find that such regulations do not apply to liquefied natural gas (LNG) imported by Distrigas. Distrigas and DOMAC also move the Commission to stay Order No. 380 until such time as this motion for reconsideration is acted upon. If the Commission denies the stay pending action on the motion for reconsideration, Distrigas and DOMAC request that the Commission grant a stay for a period of time sufficient to permit a court to act upon a request for stay. In the alternative, Distrigas and DOMAC request that the Commission grant a waiver of the application of the rule promulgated by Order No. 380 insofar as such rule would apply to Distrigas' Special Rate Schedule No. 1 and to DOMAC's GS and BO Rate Schedules. In order for the Commission to take immediate action on this motion, Distrigas and DOMAC also request that the Commission waive Rule 213 of the Rules of Practice and Procedure which permits the submittal of answers to this filing.

Distrigas and DOMAC assert that if Order No. 380 applies to imported LNG, the impact upon their import project could cause significant financial losses; gas consumers could be left without adequate heating supplies; and the continued operation of the import project could be jeopardized. Distrigas and DOMAC contend that Order No. 380 provides no positive indication of the rule's application to LNG imports.

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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 22, 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. 84-21839 Filed 8-15-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA84-2-21-000 and TA84-2-21-001]

Equitable Gas Co.; Proposed Change in Rates

August 10, 1984.

Take notice that Equitable Gas Company (Equitable) on August 2, 1984, tendered for filing with the Commission Seventh Revised Sheet No. 6-F to its FERC Gas Tariff, First Revised Volume No. 1, to become effective September 1, 1984. Equitable Gas Company states that the change in rates results from the application of the Purchased Gas Cost Rate Adjustment provision in Section 6 of Rate Schedule GS-1 of FERC Gas Tariff, First Revised Volume No. 1, approved by the Commission in Docket Nos. CR79-290, RP79-69, and RP79-49.

Equitable states that a copy of its filing has been served upon the purchaser and interested state commissions (and upon each party on the service list of Docket Nos. CP79-290, RP79-69, and RP79-49).

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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 17, 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. 84-21840 Filed 8-15-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-14-001]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

August 10, 1984.

Take notice that on July 13, 1984 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing one (1) substitute revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, dated as issued on July 10, 1984 proposed to become effective August 1, 1984, and identified as follows:

Substitute Thirty-third Revised Sheet No. 4

Lawrenceburg states that its revised tariff sheet was filed under its Purchased Gas Adjustment (PGA) Provision and in substitution for its previously proposed August 1, 1984 PGA. Lawrenceburg states that this substitute filing was required because of the Commission's June 29, 1984 order in Docket No. CP84-209-000 in which the Commission defined Lawrenceburg's certificated delivery volumes at a level substantially below the volumes reflected in its original August 1, 1984 PGA filing.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20406, in accordance with Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before August 17, 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 be proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filng are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 21841 Filed 8-15-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA84-2-27-000 and TA84-2-27-001]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

August 10, 1984.

Take notice that North Penn Gas Company (North Penn) on August 1, 1984 tendered for filing proposed changes to its FERC Gas Tariff, First Revised Volume No. 1 pursuant to its PGA Clause for rates to be effective September 1, 1984.

Specifically, North Penn has included in its semiannual PGA, to be effective September 1, 1984, the following:

1. A decrease of 31.922¢ per Mcf to reflect changes in the cost of gas purchased.

2. A surcharge credit of 39.321¢ per Mcf resulting from amounts accumulated in the Unrecovered Purchased Gas Cost Account for the period January 1, 1984 through June 30, 1984; the jurisdictional portion of supplier refunds received by North Penn for the same six-month period; carrying charges computed in accordance with the Federal Energy Regulatory Commission's (Commission) regulations; and a carry-over balance from the surcharge effective for the period September 1, 1983 through February 29, 1984.

As part of this filing, North Penn has also included Tenth Revised Sheet No. 15H which reflects no incremental pricing surcharges under Section 15 of the General Terms and Conditions of its tariff.

North Penn respectfully requests waiver of any of the Commission's Rules and Regulations as may be required to permit this filing to become effective September 1, 1984 as proposed.

Copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 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 17, 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. 84-21842 Filed 8-15-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-637-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

August 10, 1984.

Take notice that on August 8, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84-637-000 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 a compressor station and appurtenant facilities located in McKenzie County, near Ft. Buford, North Dakota, and the compression and transportation of natural gas on behalf of Iowa Public Service Company (IPS) as agent on behalf of Terra Chemicals International, Inc. (Terra), all as more fully set forth in the application which is on file with the Commission and open to the public inspection.

Applicant states that in June 1984, it commenced the construction of the Ft. Buford compression station under its blanket certificate in Docket No. CP82-401. Such compressor station is comprised of three compressors totaling 3,140 horsepower and is located in Section 4,T15N, R103W, McKenzie County, North Dakota. Applicant alleges that the purpose of the compressor station is to compress natural gas supplied by Ecological Engineering Systems, Inc. and Western Gas Processors, Ltd. for input into Northern Border Pipeline Company's (NBPL) facilities for ultimate delivery to Terra's fertilizer plant in Port Neal, Iowa. Applicant estimates the cost to construct the Ft. Buford compressor station to be $3,731,510 and proposes to finance such construction out of cash on hand.

Applicant further states that concomitant with its request to construct and operate the compression facilities, it also proposes to compress and transport natural gas for IPS as agent on behalf of Terra. Applicant has arranged for delivery of up to 31 billion Btu's of natural gas per day by Montana-Dakota Utilities Company (MDU) to its suction side of the Ft. Buford compressor station, it is explained. It is submitted that the gas would be compressed by the Applicant for delivery to NBPL in McKenzie County, North Dakota and NBPL would transport and redeliver the gas at the existing interconnection between its system and NBPL in Martin County, Minnesota. Applicant, it is further alleged, would then deliver equivalent Btu's of gas to IPS at the existing interconnection between IPS and its system at a point located in Woodbury County, Iowa.

Applicant states that it would charge IPS as agent on behalf of Terra 14.69 cents per Mcf of gas compressed and 4.23 cents per Mcf of gas transported in addition to the Gas Research Institute surcharge of 1.25 cents per Mcf.

It is further explained that the term of the proposed transportation and compression service is eighteen months from the date of initial deliveries to Applicant at the suction side of the Ft. Buford compressor station.

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 adn 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. 84-21843 Filed 8-15-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER84-492-000, et al.]

Portland General Electric Co.; Order Accepting Rate for Filing Subject To Refund or Adjustment, Noting Interventions, Consolidating Dockets, and Establishing Hearing Procedures

Issued: August 9, 1984.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A.G. Sousa and Oliver G. Richard III.

On June 13, 1984, Portland General Electric Company (Portland) filed revised Average System Cost (ASC) rates applicable to exchange sales made to the Bonneville Power Administration (BPA), under the terms of the Pacific Northwest Electric Power Planning and Conservation Act.[1] That Act authorizes participating electric utility systems to sell to BPA at "average system cost" amounts of energy equivalent to their residential customers' loads and to repurchase such energy from BPA at BPA's lower preference rate.

The Commission issued a Final Rule governing these exchanges on October 6, 1983.[2] Under the established procedures, jurisdictional utilities must file each ASC rate proposal with BPA. That rate is to be reviewed by BPA within 120 days. If BPA's review results in an ASC determination different from that developed by the utility, BPA is to issue a report of its findings, together with the ASC rate to be used by the utility. The utility's proposed ASC rate, BPA's report, and BPA's adjusted ASC rate, if any, must then be filed with the Commission for review. The rules further provide that such filings are subject to the procedures applicable to other filings under section 205 of the Federal Power Act, as the Commission deems appropriate. The Commission may order changes in an ASC rate which was not determined in compliance with the final rules.

Portland's revised ASC rate filing reflects a change in the company's base ASC rate resulting from Portland's Power Cost Adjustment (PCA) rate change for the exchange period beginning on January 30, 1984. BPA's report accepts Portland's PCA with no changes. However, the revised ASC rate represents an adjustment to Portland's base rate which was previously determined by BPA and has been contested by Portland in Docket No. ER83-540-000. Accordingly, Portland's objections in Docket No. ER83-540-000 apply equally in the instant docket.

Notice of the filing was published in the **Federal Register** with responses due by July 13, 1984. Timely interventions were filed by BPA's Direct Service Industrial Customers (DSIs) and by BPA. Neither BPA nor the DSIs has identified specific issues with respect to the current filing. However, both indicate a desire to comment on issues raised by other parties and further state that they may request a hearing or oral argument.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely interventions serve to make the DISs and BPA parties to this proceeding.

This docket is one of many involving ASC rates now pending before the Commission. In our recent order in *Pacific Power and Light Company, et al.*, Docket Nos. ER81-780-000, *et al.*, 28 FERC ¶ 61,143 (1984), we set for hearing the other pending ASC dockets of Portland and three other utilities participating in the exchange sale program.[3] Inasmuch as the current filing involves the same issues as Portland's other ASC dockets, it is appropriate to accept Portland's revised ASC rate for filing to become effective as of January 30, 1984, subject to refund or other adjustment, and to consolidate this docket with Portland's other ASC dockets for purposes of hearing and decision.

The Commission orders:

(A) Portland's revised ASC rates in Docket No. ER84-492-000, as adjusted by BPA, are hereby accepted for filing, to become effective as of January 30, 1984, subject to refund or other adjustment.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 5 and 9 of the Pacific Northwest Electric Power Planning and Conservation Act, section 402(a) of the Department of Energy Organization Act, and the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act and the Pacific Northwest Electric Power Planning and Conservation Act [18 CFR Chapter I], a public hearing shall be held concerning the consistency with the ASC methodology of the average system costs determined by BPA in this proceeding for Portland.

(C) Docket No. ER84-492-000 is hereby consolidated with Docket Nos. ER82-462-000, ER82-539-000, ER82-734-000, ER82-810-000, ER83-127-000, ER83-540-000, ER83-573-000, ER83-748-000, ER84-163-000, ER84-042-000, ER84-347-000, ER84-403-000.

(D) The Secretary shall promptly publish this order in the **Federal Register**.

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[1] *See* Attachment for rate schedule designation.

[2] Order No. 337, Docket No. RM81-41-000, Sales of Electric Power to the Bonneville Power Administration; Methodology and Filing Requirements; Final Rule [FERC Statutes and Regulations ¶30,506.] The Final Rule became effective on January 10, 1984.

[3] Puget Sound Power & Light Company, Idaho Power Company, and Montana Power Company.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment

Portland General Electric Company Docket No. ER84-492-000 Rate Schedule Designation

Designation	Description
Supplement No. 14 to Supplement No. 3 to Portland General Electric Company/Bonneville Power Administration Service Agreement under Pacific Northwest Electric Power Planning and Conservation Act FERC Electric Tariff Original Volume No. 1 (Supersedes Supplement No. 13 to Supplement No. 3)	Revised ASC for Oregon Jurisdiction with BPA Report.

[FR Doc. 84-21844 Filed 8-15-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-17-002]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

August 10, 1984.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on August 3, 1984 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Substitute Seventieth Revised Sheet No. 14
Substitute Sixty-ninth Revised Sheet No. 14A
Substitute Sixty-ninth Revised Sheet No. 14B
Substitute Sixty-ninth Revised Sheet No. 14C
Substitute Sixty-ninth Revised Sheet No. 14D

The above tariff sheets are being issued in substitution for their corresponding sheets filed June 29, 1984 consisting of Texas Eastern's semiannual PGA tracking adjustment to be effective August 1, 1984. The above sheets are being filed in compliance with Ordering Paragraph (B) of the Commission's order issued July 31, 1984 in Docket No. TA84-2-17-001 (PGA84-2, IPR84-2, and DCA84-2).

In regard to Ordering Paragraph (B) of the Commission's order directing Texas Eastern to eliminate retroactive production related costs (Order No. 94) the Commission order states "These amounts relating to past periods are appropriate for recovery by way of Texas Eastern's PGA clause through inclusion in Account No. 191 and a subsequent surcharge." Accordingly, Texas Eastern is removing all estimates of unpaid retroactive amount of production-related costs from its Account No. 191, and in accordance with the Commission's order, will refile to recover such retroactive amounts through Account No. 191 when they are actually incurred.

Also, Texas Eastern is revising its August 1, 1984 PGA filing to reflect revised rates from its pipeline suppliers, Texas Gas Transmission Corporation and United Gas Pipe Line Company.

The proposed effective date of the above substitute tariff sheets is August 1, 1984.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene of protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before August 17, 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. 84-21845 Filed 8-15-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for filing Applications for Refund from funds obtained from Willis Distributing Company, Inc. in settlement of enforcement proceedings brought by DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund must be postmarked by November 14, 1984, should conspicuously display a reference to case number HEF-0197, and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION:

Suggested formats for refund may be obtained by writing to: Mrs. Margaret A. Slattery, Public Docket Room, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585

Other information may be obtained by contracting: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2094

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order establishes procedures to distribute funds obtained as a result of consent order between Willis Distributing Company, Inc. and DOE. The consent order settled all disputes between DOE and Willis concerning possible violations of DOE price regulations with respect to the firm's sales of motor gasoline during the period April 1, 1979 through September 30, 1979.

Any member of the public who believe that they are entitled to a refund in this proceeding may file Applications for Refund. All Applications should be postmarked by November 14, 1984, and should be sent to the address set forth at the beginning of this notice. Applications for refunds in excess of $100 must be filed in duplicate and these applications will be made available for public inspection between the hours of 1:00 and 5:00 p.m., Monday through Friday, except Federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: August 2, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

August 2, 1984.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: Willis Distributing Company, Inc.
Date of Filing: October 13, 1983
Case Number: HEF-0197

This proceeding involves a Petition for the Implementation of Special Refund Procedures filed by the Economic Regulatory Administration (ERA) with the Office of Hearings and Appeals (OHA) pursuant to the provisions of 10 CFR Part 205, Subpart V. Under those procedural regulations, ERA may request that OHA formulate and implement special procedures to make

refunds in order to remedy the effects of actual or alleged violations of the Department of Energy (DOE) regulations. ERA filed the petition in this case in connection with a consent order that it entered into with Willis Distributing Company, Inc. (Willis).

Willis was a marketer of petroleum products which it sold to resellers and end-users in the Erie, Pennsylvania area during the period of federal price controls, and was therefore subject to the Mandatory Petroleum Price Regulations set forth at 10 CFR Part 212, Subpart F. A DOE audit of Willis' records revealed possible violations of DOE price regulations with respect to the firm's sales of motor gasoline during the period April 1, 1979, through September 30, 1979 (hereinafter referred to as the audit period). ERA identified 97 customers who were allegedly overcharged in their purchases of Willis motor gasoline during the audit period. Ninety-two of these customers purchased motor gasoline directly from Willis, and five customers purchased motor gasoline from other firms in a distribution chain which led back to Willis.[1]

In order to settle all claims and disputes between Willis and DOE regarding the firm's sales of motor gasoline during the audit period, Willis and DOE entered into a consent order on December 31, 1980. Under the terms of the consent order Willis agreed to remit $92,691 to DOE. Willis has paid DOE the $92,691, which is being held in an interest-bearing escrow account established with the United States Treasury pending a determination of its proper distribution. As of June 30, 1984, the Willis escrow account had earned $67,312.93 in interest.

On March 19, 1984, we issued a Proposed Decision and Order tentatively setting forth procedures to distribute refunds to parties who were injured by Willis' alleged violations. 49 Fed. Reg. 12739 (March 30, 1984). In the proposed decision we described a two-stage process for the distribution of the funds made available by the Willis consent order. In the first stage, we will refund money to identifiable purchasers of motor gasoline who were injured by Willis' pricing practices during the period April 1 through September 30, 1979. After meritorious claims are paid in the first stage, a second stage of the refund procedure may be necessary if funds remain. *See generally Office of Special Counsel,* 10 DOE ¶ 85,048 (1982) (hereinafter cited as *Amoco)* (refund procedures established for first stage applicants, second stage refund procedures proposed).

This decision establishes procedures for filing claims in the first stage of the Willis refund proceeding. We will describe the information that a purchaser of Willis motor gasoline should submit in order to demonstrate that it is eligible to receive a portion of the Consent order funds. In establishing these requirements, we will address comments filed in response to the first-stage proposal in the March 19 decision. We will not, however, determine procedures for a second stage of the refund process in this decision. Our determination concerning the disposition of any remaining funds will necessarily depend on size of the fund. It is therefore premature for us to address the issues raised by commenters regarding the disposition of funds remaining after all the first-stage claims have been paid.

I. Jurisdiction

We have considered ERA's Petition for the Implementation of Special Refund Procedures and determined that it is appropriate to establish such a proceeding with respect to the Willis consent order fund. In our proposed decision and in other recent decisions, we have discussed at length our jurisdiction and authority to fashion special refund procedures. *See, e.g., Office of Enforcement,* 9 DOE ¶ 82,553 at 85,284 (1982). We have received no comments challenging our authority to fashion special refund procedures in this case. We will therefore grant ERA's petition and assume jurisdiction over the distribution of the Willis consent order funds.

II. First-Stage Refund Procedures

A. Refunds to Injured Purchasers

The Willis consent order funds will be distributed to claimants who satisfactorily demonstrate that they have been injured by Willis' alleged violations. In order to receive a refund, each claimant will be required to submit a schedule of monthly purchases of Willis motor gasoline for the period April 1 through September 30, 1979. If the gasoline was not purchased directly from Willis, the claimant must include a statement setting forth his reasons for believing the product originated with Willis. In addition, a reseller or retailer of motor gasoline that files a claim will be required to establish that it absorbed the alleged overcharges and was thereby injured. A demonstration of injury can be made in two ways. First, each claimant that is a reseller or a retailer must show as an initial matter that it maintained "banks" or unrecovered increased product costs in order to demonstrate that it did not subsequently recover those costs by increasing its prices.[2] *See Office of Enforcement,* 10 DOE ¶ 85,029 at 88,125 (1982) (hereinafter cited as *Ada*). These two groups of claimants will also have to demonstrate that, at the time they purchased motor gasoline from Willis, market conditions would not permit them to increase their prices to pass through the additional costs associated with the alleged overcharges.

Second, a reseller or retailer may rely on a presumption of injury and supply no further proof of injury. As in many prior special refund cases, we will adopt a presumption that small purchasers were injured to some extent by the pricing practices which led to the issuance of the consent order. *See, e.g., Uban Oil Co.,* 9 DOE ¶ 82,541 (1982). A reseller or retailer claimant will not be required to submit any further proof of injury if its refund claim is based on a monthly purchase level below a threshold level of 50,000 gallons.[3] The adoption of a particular level of purchases below which a claimant need not submit any additional evidence of injury is based on several considerations. First, the cost of compiling information sufficient to show injury may be expensive. Second, our experience indicates that many refund applicants will be small businesses, such as single outlet retailers, who generally maintain a less sophisticated record keeping system than larger firms. The threshold level is set to minimize unnecessary burdens on small businesses who might otherwise be precluded from receiving refunds to redress their injuries. We considered

[1] The 97 purchasers of Willis motor gasoline were given notice of this refund proceeding through copies of the proposed decision which were sent to them by certified mail. The proposed decision was also published in the **Federal Register.**

[2] The price rules applicable to sales of motor gasoline by retailers were amended effective July 14, 1979. 44 FR 42542 (July 19, 1979). The amended regulation, 10 CFR 212.93(a)(2), provided for a fixed per-gallon markup of 15.4 cents (later increased) for retail sales of motor gasoline, and eliminated the "banking" provisions formerly in effect. Since the fixed markup rule was in effect during part of the period covered by the Willis consent order, no showing of cost banks will be required of retailers after July 14, 1979. The use of banking remained optional for larger resellers of motor gasoline; firms that elected to continue cost banking will be required to submit this information throughout the audit period if they apply for refunds based on purchases greater than 50,000 gallons per month.

[3] Claimants whose purchases exceed 50,000 gallons per month during the period for which a refund is claimed, but who cannot establish that they did not pass through the price increases, or who limit their claims to the threshold amount, will be eligible for a refund for purchases up to the 50,000 gallons-per-month threshold amount without being required to submit evidence of injury. *See* Vickers at 85,396; *see also* Ada at 88,122.

these factors in setting the threshold level at 50,000 gallons per month, as well as the per-gallon refund amount in conjunction with the length of the audit period, that is, the amount a successful claimant would be entitled to receive if it purchased the threshold amount each month of the audit period. A successful claimant who purchased 50,000 gallons of Willis motor gasoline during each of the six months of the audit period will receive a refund of $4,329, excluding interest.

A reseller or retailer which made only spot purchases from Willis sustained probably no injury, and must clearly demonstrate injury if it files a refund application. We have previously noted that spot purchasers "tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases . . . at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers." *Vickers* at 85,396–97. We believe that this rationale holds true in the present case. A spot purchaser therefore should submit sufficient evidence to establish that it was unable to recover the increased prices it paid for the Willis motor gasoline it purchased. *See Amoco* at 88,200.

Claimants who were ultimate consumers of Willis motor gasoline had no opportunity to pass on the costs associated with the alleged overcharges, and therefore will not be required to submit any further proof of injury in order to qualify for a refund. *See Standard Oil Co. (Indiana)/Union Camp Corp.*, 11 DOE ¶ 85,007 (1983), *Standard Oil Co. (Indiana)/Elgin, Joliet, and Eastern Railway*, 11 DOE ¶ 85,105 (1983) (end-users of various refined petroleum products granted refunds solely on the basis of documented purchase volumes). Therefore, in this proceeding an end-user consumer need only document the specific quantities of Willis motor gasoline it purchased during the audit period in order to receive a refund.

A successful refund applicant will receive a refund based upon a volumetric method of allocating refunds. Under this method, a per-gallon refund amount is calculated by dividing the settlement amount by the total gallons of motor gasoline covered by the consent order. The refund amount in this case will be $.0144298 per gallon ($92,691 received from Willis divided by 6,423,576 gallons of motor gasoline sold by Willis during the audit period), exclusive of interest. Successful claimants' refunds based will be calculated by multiplying their eligible purchase volumes by the per-gallon refund amount. Successful claimants will also receive a proportionate share of the interest accrued on the consent order fund since it was remitted to the DOE.

As in previous cases, we will establish a minimum refund amount of $15.00 for first stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15.00 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982); *see also* 10 CFR 205.286(b).

B. Application for Refund

After having considered all the comments received concerning the first-stage proceedings tentatively adopted in our March 19 proposed decision, we have concluded that applications for refund should now be accepted from parties who purchased Willis motor gasoline. An application must be in writing, signed by the applicant, and specify that it pertains to the Willis Consent Order Fund, Case Number HEF–0197.

An applicant should indicate from whom the motor gasoline was purchased and, if the applicant is not a direct purchaser from Willis, it should also indicate the basis for its belief that the motor gasoline which it purchased originated from Willis. Each applicant should report its volume of purchases by month for the period of time for which it is claiming it was injured by the alleged overcharges. Each applicant should specify how it used the Willis motor gasoline, such as whether it was a reseller or ultimate user. If the applicant is a reseller, it should state whether it maintained banks of unrecouped product cost increases from the date of the alleged violation through January 27, 1981. An applicant who did maintain banks should furnish OHA with a schedule of its cumulative banks calculated on a quarterly basis from April 1, 1979, through January 27, 1981.[4] The applicant must submit evidence to establish that it did not pass on the alleged injury to its customers, if the applicant is a reseller. For example, a firm may submit market surveys or information about changes in its profit margins or sales volume to show that price increases to recover alleged overcharges were infeasible. The applicant should report any past or present involvement as a party in DOE enforcement actions. If these actions have terminated, the applicant should furnish a copy of a final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. The applicant is under a continuing obligation to keep OHA informed of any change in status while its application for refund is being considered. *See* 10 CFR 205.9(d). Each application must also include the following statement: "I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name, position title, and telephone number of a person who may be contacted by us for additional information concerning the application.

All applications for refund must be filed in duplicate. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Forrestal Building, Room 1E–234, 1000 Independence Avenue, Washington, D.C. Any applicant that believes that its application contains confidential information must so indicate on the first page of its application and submit two additional copies of its application from which the confidential information has been deleted, together with a statement specifying why any such information is privileged or confidential.

All applications should be sent to: Willis Consent Order Refund Proceedings, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. Applications for refund of a portion of the Willis consent order funds must be postmarked within 90 days after publication of this Decision and Order in the **Federal Register**. *See* 10 CFR 205.286. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

It is therefore ordered that:

(1) The Petition for the Implementation of Special Refund Procedures filed by the Economic Regulatory Administration in Case No. HEF–0197 be granted.

(2) Applications for Refunds from the funds remitted to the Department of Energy by Willis Distributing Company, Inc. pursuant to the consent order executed on December 31, 1980, may now be filed.

(3) All applications must be postmarked within 90 days after publication of this Decision and Order in the **Federal Register**.

[4] *See* note 2 *supra*.

Dated: August 2, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 84-21749 Filed 8-15-84; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $14,204.00 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving J.A.L. Oil Company, Inc., a reseller of motor gasoline located in Great Neck, New York.

DATE AND ADDRESS: Comments must be filed on or before September 17, 1984, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to case number HEF-0098.

FOR FURTHER INFORMATION CONTACT: Gary Comstock, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to a consent order entered into by J.A.L. Oil Company., Inc. which settled possible pricing violations in the firm's sales of motor gasoline to customers during the November 1, 1979 through April 8, 1980 audit period.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of an escrow account funded by J.A.L. pursuant to the consent order. The DOE has tentatively decided that the consent order funds should be distributed to twenty-nine first purchasers which the DOE's audit indicated may have been overcharged. However, Applicatations for Refund filed by other purchasers of gasoline from J.A.L. during the audit period will be considered. Applications for Refund should not be filed at this time. Appropriate notice will be given when the sbmission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: August 2, 1984.

George B. Beznay,

Director, Office of Hearings and Appeals.

August 2, 1984.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Petitioner: J.A.L. Oil Company, Inc.

Date of Filing: October 13, 1983

Case Number: HEF-0098

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of alleged or actual violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. The Subpart V process is typically used in situations where DOE is unable to identify readily those persons who may be eligible to receive refunds in connection with the underlying enforcement proceeding or to ascertain the amounts that such persons are entitled to receive. The Subpart V process is also used in instances where the underlying enforcement proceeding has identified some of the persons who will receive refunds, but others may yet remain to be identified. For a more detailed discussion of Subpart V, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1982); and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

I. Background

In accordance with the provisions of Subpart V, ERA, on October 13, 1983, filed a Petition for the Implementation of Special Refund Proceedings in connection with a consent order entered into with J.A.L. Oil Company, Inc. (J.A.L.). J.A.L. is a "reseller" of motor gasoline as that terms was defined in 10 CFR § 212.31 and is located in Great Neck, N.Y. A DOE audit of the firm's records revealed possible pricing violations amounting to $25,140.30 with respect to sales of motor gasoline during the period November 1, 1979 through April 8, 1980.[1] In order to settle all claims and disputes between J.A.L. and the DOE regarding the firm's sales of motor gasoline during the audit period, J.A.L. and the DOE entered into a consent order on May 15, 1981. According to the J.A.L. consent order, the firm agreed to deposit $14,204.00 (including interest through December 31, 1980) into an interest bearing escrow account for ultimate distribution by DOE. This Decision concerns the distribution of the $14,204.00, which was received by DOE on November 20, 1981, plus accrued interest to date.

II. Proposed Refund Procedures

During DOE's audit of J.A.L., twenty-nine first purchasers were identified by ERA as having allegedly been overcharged. While the DOE audit file represents only preliminary determinations, does not necessarily reflect actual overcharges, nor provide conclusive evidence as to the identity of possible refund recipients or the amount of money that they should receive in a Subpart V proceeding, it is reasonable to use the information contained in the audit file for guidance. *See Armstrong & Associates/City of San Antonio*, 10 DOE ¶ 85,050 at 88,259 (1983). In *Marion Corp.*, 12 DOE ¶ 85,014 (1984), we stated that "the information contained in the . . . audit file can be used for guidance in fashioning a refund plan which is likely to correspond more closely to the injuries probably experienced than would a distribution plan based solely on a volumetric approach." 12 DOE at 88,031. In previous cases of this type, we have proposed that the funds in the escrow account be apportioned among the customers identified by the audit. *See, e.g., Bob's Oil Co.*, 12 DOE ¶ 85,024 (1984); *Brown Oil Co.*, 12 DOE ¶ 85,028 (1984); and *Reinhard Distributors, Inc.*, Case No. HEF-0163 (July 13, 1984) (proposed decision). In view of the small amount of money involved in this proceeding, it would seem that the most efficient method of accomplishing restitution

[1] The ERA, in this case, conducted its audit based on a sample of the firm's records. The auditors first identified alleged overcharges in November and December 1979, and January 1980. They then extrapolated from those figures to arrive at an estimate of alleged overcharges through April 8, 1980.

would be simply to distribute the escrow funds to those firms identified by the audit as injured by J.A.L.'s pricing practices. The twenty-nine first purchasers identified by the audit, with the share of the settlement amount allotted to each by ERA, are listed in the Appendix.

On the basis of the information in the record at this time, we propose to distribute the J.A.L. escrow funds to the twenty-nine first purchasers identified by ERA in the amounts specified in the Appendix, plus accrued interest to date.[2] Since the record indicates that these firms are the parties most likely to have been injured by J.A.L.'s pricing practices, we have tentatively decided that this would be the most equitable and administratively efficient method of accomplishing restitution.[3] We recognize, however, that there may have been other first purchasers not identified by the ERA audit, as well as downstream purchasers, who may have been injured as a result of J.A.L.'s pricing practices during the audit period and would therefore be entitled to a portion of the consent order funds. If additional meritorious claims are filed, we will adjust the figures listed in the Appendix accordingly. Actual refunds will be determined only after analyzing all appropriate claims.[4] Finally, we will establish a minimum amount of $15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefit of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b).

In order to receive a refund, each claimant will be required either to submit a schedule of its monthly purchases from J.A.L. of motor gasoline, or to submit a statement verifying that it purchased gasoline from J.A.L. and is willing to rely on the data in the audit file. Claimants must indicate, as well, whether they have previously received a refund, from any source, with respect to the alleged overcharges identified in the ERA audit underlying this proceeding. Purchasers not identified by the ERA audit will be required to provide specific information concerning the date, place, price, and volume of product purchased, the name of the firm from which the purchase was made, and the extent of any injury alleged. Each applicant must also state whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than the other owners or provide a signed statement from the other owners that they do not claim a refund.

III. Distribution of the Remainder of the Consent Order Funds

In the event that money remains after all first stage claims have been disposed of, undistributed funds could be distributed in a number of ways in a subsequent proceeding. However, we will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed. We encourage the submission by interested parties of proposals which address alternative methods of distributing any remaining funds.

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by J.A.L. Oil Company, Inc., pursuant to the consent order executed on May 15, 1981, will be distributed in accordance with the foregoing determination.

Appendix

First purchasers	Portion of settlement amount [1]
Beckel, 259 Kent Avenue, Brooklyn, NY 11211	$31.25
Four Corners, 2228 Gerritsen Avenue, Brooklyn, NY 11229	377.83
Gitlitz, 382 Remsen Avenue, Brooklyn, NY 11212	346.58
Kingslawn, 6201 Avenue U, Brooklyn, NY 11234	1,133.48
Morton Street, 18 Morton Steet, New York, NY 10014	62.50
Rapid, 78-20 Northern Blvd., Jackson Hts., NY 11372	755.65
Supreme, 1676-3 Avenue, New York City, NY 10028	1,070.98
Zac's, 68-21 Eliot Avenue, Middle Village, NY 11379	3,244.19
A & F Service Station, 594 Jamaica Avenue, Brooklyn, NY 11208	188.91
Aqua Rock, 107-28 Rockaway Blvd., Ozone Park, NY 11417	188.91
Cartrek, 7519 18th Avenue, Brooklyn, NY 11214	188.91
H & P, 133-02 Jamaica Avenue, Richmond Hill, NY 11418	126.42
Jamaica Service Station, 139-01 Jamaica Avenue, Jamaica, NY 11435	377.83
Restoration, 1450 Atlantic Avenue, Brooklyn, NY 11216	566.74
Star, 70-52 Kissena Blvd., Flushing, NY 11367	755.65
Vin Art, 56-20 Clarendon, Brooklyn, NY 11203	661.91
Kingsway, 120 Kings Highway, Brooklyn, NY 11214	566.74
McManus, 150-05 Liberty Avenue, Jamaica, NY 11433	124.99
S & J, 1504 Myrtle Avenue, Brooklyn, NY 11227	504.24
Alan's Car Mart, 1102 Broadway, Woodmere, NY 11598	150.56
Globe, 1201 Jackson Avenue, Long Island City, NY 11101	377.83
Mor-Rich, 465 Morgan Avenue, Brooklyn, NY 11222	95.17
Triangle, 17 Nassau Avenue, Brooklyn, NY 11222	62.50
Albosan Service Station, 254 LaFayette Street, New York City, NY 10012	221.58
H & P, 133-02 Jamaica Avenue, Richmond Hill, NY 11418	95.17
Woodstone, 69-01 Woodhaven Blvd., Forest Hills, NY 11375	377.83
Frank's, 391 Newbridge Road, East Meadow, NY 11554	654.80
Fred's, 489 Canal Street, New York City, NY 10013	188.91
Father & Son, 168 Atlantic Avenue, Lynbrook, NY 11563	705.94

[1] Includes principal and interest through Dec. 31, 1980. Actual refunds will also include the additional interest which has accrued on these amounts since DOE received the J.A.L. consent order funds on Nov. 20, 1981.

[FR Doc. 84-21750 Filed 8-15-84 8:45 am]

BILLING CODE 6450-01-M.

[2] The share of the escrow fund which the listed purchasers are to receive represents 57% of the amount each was allegedly overcharged, and is consistent with the terms of the consent order which settled 57% of the total amount of alleged overcharges identified by the audit.

[3] In many special refund cases, we have presumed that small purchasers were injured to some extent by the pricing practices which led to the issuance of the consent order. *See, e.g.*, Uban Oil Co., 9 DOE ¶ 82,541 (1982). We have, therefore, exempted small firms from making a further demonstration of injury since the cost of compiling the data required, if such data even exist, could exceed the refund to be gained. *See e.g.* Webster Oil Co. Inc., Case No. HEF-0195 (June 15, 1984) (proposed decision). In the present case, the audit indicates that all of the purchases made by the twenty-nine first purchasers were small, consequently the refunds will be relatively small. We therefore will not require that these firms demonstrate that they absorbed the alleged overcharges.

[4] Purchasers identified in the ERA audit as having allegedly been overcharged may also submit information to show that they are entitled to larger refunds than those indicated in the Appendix.

EXPORT-IMPORT BANK OF THE UNITED STATES

Open Meeting of the Advisory Committee of the Export-Import Bank of the United States

SUMMARY: The Advisory Committee was established by Pub. L. 98-181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress

Time and place: Thursday, September 6, 1984 from 9:00 a.m. to 12 noon. The meeting will be held in Room 1141, 811 Vermont Avenue, NW., Washington, D.C. 20571.

Agenda: The meeting agenda will include discussion of the status of mixed credit program, developments in the small business programs, architectural and engineering services and the status of expansion of the survey for the annual competitiveness report.

Public participation: The meeting will be open to public participation; and the last 20 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s)

before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Joan P. Harris, Room 1203, 811 Vermont Avenue, NW., Washington, D.C. 20571, (202) 566–8871, not later than August 30, 1984.

Further Information: For further information, contact Joan P. Harris, Room 1203, 811 Vermont Avenue, NW., Washington, D.C. 20571, (202) 566–8871.

Warren W. Glick,

General Counsel.

[FR Doc. 84–21863 Filed 8–15–84; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The 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.: 222–002451–005
Title: Seattle Marine Terminal Equipment Agreement
Parties: The Port of Seattle, Inc. (Port) Sea-Land Service, Inc. (Sea-Land)
Synopsis: Agreement No. 224–002451–005 provides for the termination of the use by Sea-Land of cranes located at the leased premises at Port Terminal 5, Seattle. Sea-Land will take title to and remove only crane No. 3. Cranes Nos. 1, 2 and 4 shall remain in Port ownership upon Sea-Land's departure from Terminal 5. The parties have requested that the review period for the agreement be shortened to 14 days.

Agreement No.: 222–003414–001
Title: Seattle Marine Terminal Agreement
Parties: The Port of Seattle (Port) Sea-Land Service, Inc. (Sea-Land)
Synopsis: Agreement No. 224–003414–001 provides for the termination of the agreement covering the terminal lease between the Port and Sea-Land at Terminal 5 at the Port of Seattle in order that the Port may make renovations to the facility which is to be leased to a new tenant. The parties have requested that the review period for the agreement be shortened to 14 days.

Agreement No.: 224–003985–003
Title: Seattle Marine Terminal Agreement
Parties: The Port of Seattle (Port) Seacon Terminals, Inc. (Seacon)
Synopsis: Agreement No. 224–003985–003 modifies the basic agreement increasing the leased area at Seattle Terminal 25 by 12.0457 acres, with a corresponding increase in the rental. It increases the Port-owned container cranes from two to four, and provides for reimbursement to Seacon for relocation of two Port owned container cranes.

Agreement No.: 202–007680–052
Title: American West African Freight Conference
Parties: America-Africa Line, Barber West Africa Line, Cameroon Shipping Line, Companhia Nacional de Navegacao, Farrell Lines, Inc. Medafrica Line, Nigeria America Line, Ltd., Societe Ivoirienne de Transport Maritime, Torm West Africa Line, and Westwind Africa Line
Synopsis: The proposed amendment would permit lines which have suspended their service the opportunity to remain as non-voting associate conference members upon payment of an annual fee.

By Order of the Federal Maritime Commission.

Dated: August 10, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84–21742 Filed 8–15–84; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreements(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 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.: 207–010137–008
TITLE: Barber Blue Sea Line Joint Service Agreement
PARTIES: Barber Lines A/S, Ocean Transport and Trading Limited, The China Mutual Steam Navigation Co., Ltd., The Swedish East Asia Co., Ltd.
SYNOPSIS: The proposed amendment would give the joint service intermodal authority both in the United States and abroad and would provide for service either by direct call or transshipment by eliminating all geographic restrictions on the scope of the agreement.

By Order of the Federal Maritime Commission.

Dated: August 10, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84–21741 Filed 8–15–84; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Nanticoke Financial Services, 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 C.F.R. 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 September 7, 1984.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice

President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Nanticoke Financial Services*, Nanticoke, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The Nanticoke National Bank, Nanticoke, Pennsylvania.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Baltimore Bancorp*, Baltimore Maryland; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Baltimore, Baltimore, Maryland, the successor by merger to The Savings Bank of Baltimore, Baltimore, Maryland.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Cottonport Bancshares, Inc.*, Cottonport, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of The Cottonport Bank, Cottonport, Louisiana.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *FNB Bancorp*, Fenton, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Fenton, Fenton, Michigan.

2. *Singer & Associates, Inc.*, Mattoon, Illinois; to acquire 50 percent of more of the voting shares of Millikin Bancshares, Inc., Decatur, Illinois, thereby indirectly acquiring The Millikin National Bank of Decatur, Decatur, Illinois.

E. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *St. James Bancorp, Inc.*, Jackson, Minnesota; to acquire 99.7 percent of the voting shares of Jackson State Bank, Jackson, Minnesota.

F. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Comfort Bancshares, Inc.*, Comfort, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Comfort State Bank, Comfort, Texas.

2. *Executive Bancshares, Inc.*, Houston, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First City National Bank of Paris, Paris, Texas.

3. *Webster Bancshares, Inc.*, Minden, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Webster Bank & Trust Company, Minden, Louisiana.

Board of Governors of the Federal Rserve System, August 10, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-21779 Filed 8-15-84 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee Meeting; Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is cancelling the meeting of the Ophthalmic Devices Panel scheduled for August 28, 1984. The meeting was announced by notice in the **Federal Register** of July 18, 1984 (49 FR 29153).

FOR FURTHER INFORMATION CONTACT: Daniel W.C. Brown, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

Dated: August 10, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-21752 Filed 8-13-84; 8:45 am]

BILLING CODE 4160-01-M

Office of Human Development Services

Administration for Children, Youth and Families; Child Abuse and Neglect Prevention and Treatment Program; Program Announcement Number 13628-841

AGENCY: Administration for Children, Youth and Families (ACYF), Office of Human Development Services (OHDS), Department of Health and Human Services (DHHS).

Subject: Announcement of Availability of Fiscal Year 1984 Discretionary Grant Funds for Child Abuse and Neglect Prevention and Treatment Demonstration Projects.

ACTION: The Administration for Children, Youth and Families (ACYF), OHDS/DHHS, National Center on Child Abuse and Neglect (NCCAN), announces the availability of Fiscal Year 1984 discretionary grant funds to States for child abuse and neglect prevention and treatment demonstration projects. Section 4(a) of the Child Abuse Prevention and Treatment Act (Pub. L. 93-247, as amended) authorizes the Secretary, through the National Center on Child Abuse and Neglect, ACYF, to make grants for demonstration projects designed to prevent, identify and treat child abuse and neglect.

DATE: The closing date for receipt of applications is September 4, 1984.

Scope of the Program Announcement

This announcement solicits applications from designated State agencies for child abuse and neglect prevention and treatment demonstration projects to be funded in September 1984. Projects must address the priorities indicated herein. *Eligibility for a Child Abuse and Neglect State Grant is not required.*

The focus of this announcement is consistent with the Department's thrust to increase social and economic self-sufficiency through socioeconomic development strategies, the strengthening of families and on improving the efficacy of social services. The program is based on the principle that the well-being of the public is best promoted by individuals, families and the communities in which they live. Social service needs are best defined and addressed through institutions at the level closest to the problem—State and local communities.

The funds awarded to approved applicants are intended to expand the boundaries and utilization of human service knowledge. The application of new ideas in local and State programs will hopefully assist in the prevention and treatment of child abuse and neglect.

Grant funds are not intended to fund service programs or to serve as a source of supplementary funds for local activities which need operating subsidies.

Program Priorities

Applicants should develop demonstration applications in one of the three priority areas indicated below. Applications reflecting private sector involvement and partnerships will be given priority consideration in the review of applications.

1. Sexual Abuse Prevention and Intervention

The problem of child sexual abuse poses some of the most difficult issues in the field of child protection, law enforcement, and judicial intervention.

Problems to be addressed in applications may include: difficulties in

identifying and substantiating cases; reluctance of families to self-report because of shame and fear of consequences; difficulty in engaging families in treatment programs and processes on voluntary basis due to denial; increasing the sensitivity for the child by the criminal justice system; and training child care providers to prevent, identify and/or intervene in cases of child sexual abuse.

In recent months there has been increasing concern about the child victim/witness in sexual abuse cases in criminal courts. Such cases can involve a number of social service agencies, law enforcement agencies, juvenile courts, and criminal courts. Often the coordination of all these entities is lacking. Additionally, the protection of the victim/witness from another traumatic experience, as a witness, should be a major consideration in program planning. The need to address the above problems through demonstration efforts is needed in sexual abuse intervention and treatment.

2. Expansion of the Involvement of the Schools in Child Abuse and Neglect Prevention, Early Detection, and Responsiveness to the Child

Since virtually all children and youth attend school, it is important that the school's role in the prevention and identification of child abuse be recognized, supported, and strengthened.

Specific projects are sought to achieve better coordination between public school systems and child protective services systems, and obtain greater participation from parent teachers associations and similar groups in addressing child abuse and neglect building on the variety of guidelines, handbooks, training-materials and technical assistance from national organizations to improve coordination and cooperation between and among agencies.

3. Expansion of the Use of Parent Aides

Parent aid programs have proven to be cost effective efforts in support of child protective services in many jurisdictions. Applicants are encouraged to consider the development and implementation of such programs either directly or through sub-grants or contracts to local communities. Through parent aides, in-home services to maltreated children and their families can frequently obviate the need for placing the child out of the home thus keeping the family together.

Eligible Applicants

Eligibility for this competition is limited to (1) State agencies currently qualifying for a Child Abuse and Neglect State grant; or (2) any State agency designated by the Governor in those States not currently eligible for a Child Abuse and Neglect State grant.

Available Funds

Approximately $1,000,000 is available to fund grants under this announcement. ACYF expects to award approximately ten to fifteen grants for amounts not to exceed $100,000 each. The budget period and project period will be from 12 to 17 months.

Recipient Share of the Project

At least 25% of the total cost of proposed projects must come from a source other than the Federal government (one dollar match for every three requested from ACYF). The non-Federal share may be in the form of grantee-incurred costs or third-party in-kind contributions.

The Application Process

Availability of Forms

Application kits will be mailed to the State offices, agencies or organizations designated by the Governors to apply for State Child Abuse and Neglect Grants. In those States which are not receiving State Child Abuse and Neglect Grants, application kits will be mailed to the Governor's office.

General Instructions

All applicants must complete the Application for Federal Assistance (Standard Form 424), contained in the application kit.

In order to expedite the processing of applications, we request that you follow the following instructions explicitly. Each application package should include:

1. An original and a minimum of two additional copies of the application. While additional copies would expedite processing, no applicant will be penalized for submitting only the three required copies. Each copy should be stapled in the upper left corner. The original copy must have original signatures. In order to facilitate handling, please do not use covers, binders or tabs.

2. Three copies of the cover sheet/abstract stapled together apart from the application.

3. A self addressed acknowledgement card so that we may acknowledge the receipt of your application. (An acknowledgement card is included in the application kit.)

Content of Application

Each copy of the application must contain in the order listed each of the following items:

1. Standard Form 424 completed according to instructions provided in the application kit.

2. Proposed match. (At least one dollar for every three requested from the ACYF.)

3. Cover sheet and abstract completed according to instructions provided below.

4. Project narrative no more than ten pages in length, double-spaced and typewritten on one side only (or five pages single spaced).

Preparing the Application

An application form (Form 424) and instructions for its use are included in the application kit. We suggest that you reproduce the application form and type your application on the copies.

The cover page and abstract should be prepared as follows on plain white bond, typed single-spaced:

- Title of application exactly as in item 7 on Form 424.
- Name and address of applicant organization.
- Target population.
- Total project/budget period.
- Project abstract summarizing the proposed project in 200 nontechnical words or less.

Application Submission

Applications must be mailed or hand carried to HDS/Division of Grants and Contracts Management, 330 Independence Avenue SW. Room 1740, Washington, D.C. 20201, Attention HDS 13628–841.

Notification Under Executive Order 12372

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs", and 45 CFR Part 100, "Intergovernmental Review of Health and Human Services Programs and Activities". State processes or directly affected State, areawide, regional and local officials and entities have sixty (60) days starting from the application deadline date to comment on applications for financial assistance under this program.

Applicants should contact their State Single Point of Contact or State process as soon as possible to alert them of the prospective application and receive

instructions regarding the process. (HDS will notify the State of any application received which has no indication that the State process had an opportunity to review it.) The Single Points of Contact in each State are identified in the listing included in the application kit.

HDS must obligate the funds for these awards by September 30, 1984. Therefore, the required comment period for State process review and recommendation will end on September 21, 1984 in order for OHDS to receive, consider and accommodate SPOC input.

For convenience, an application certification form and a list of SPOCs are included in the application kit.

Review and Evaluation Criteria

Applications will be competitively reviewed by HDS staff and qualified experts who are primarily outside the Federal government. Acceptable applications must be complete and meet the following criteria:

(a) Criterion I: Technical Approach (25 Points).

• The applicant proposes a well-defined and carefully worked out technical approach (including problem or issue definition) that is, if well executed, capable of achieving the objectives of the project. The approach may include: research methodology, demonstration plan, design of training programs or other appropriate techniques.

• Where appropriate, the applicant describes evaluation components. Evaluation, data collection and analysis procedures are geared to assess (using quantitative measures as much as possible) the degree to which intended objectives are achieved. The applicant clearly distinguishes the evaluation from activities designed primarily to give project staff feedback on their progress toward meeting project objectives.

(b) Criterion II: Beneficial Impact (20 Points).

• The knowledge, methods, or technology to be developed can be expected to impact beneficially on human service programs and target populations beyond the site at which the project is conducted. This includes generalizability of results for research, demonstrations, and evaluation projects.

(c) Criterion III: Project Implementation Plan (30 Points).

• The application specifies a sound plan for task accomplishment and staff loading by task.

• The application contains a suitable plan for insuring the use of project results by appropriate users. The plan describes the kinds of reports and media to be used in transmitting final results to users and explains why this is expected to be an effective dissemination package that will reach and influence users.

• The application reflects private sector involvement in the planning and implementation of the project.

(d) Criterion IV: Staffing and Management (10 Points).

• The proposed staff are well-qualified to carry out the project.

• The division of responsibilities is appropriate to carry out project tasks, including sufficient time of senior staff to assure adequate management of the project.

• The applicant organization has adequate facilities, resources, and experience to conduct the project as proposed.

(e) Criterion V: Budget Appropriateness and Reasonableness (15 points).

• The proposed budget is commensurate with the level of effort needed to accomplish the project objectives. The cost of the project is reasonable in relation to the value of the anticipated results.

• The contribution of any collaborative agencies or organizations is assured in writing and included with the application when it is submitted. The participation of an agency other than the applicant, if critical to the proposed project, is evidence by a letter indicating agreement to participate.

Closing Date for Receipt of Applications

The closing date for submittal of application is September 4, 1984. Hand delivered applications are accepted during the normal working hours of 9:00 a.m. to 5:30 p.m., Monday through Friday.

Mailed Applications: Applications mailed through the U.S. Postal Service shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent by first class mail, postmarked on or before the deadline date, and received in time to be considered during the competitive review and evaluation process. (Applicants are cautioned to request a legible U.S. Postal Service postmark or to use express mail and obtain a legibly dated mailing receipt from the U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

Applications Submitted by Other Means

Applications submitted by any means except through the U.S. Postal Service shall be considered as meeting the deadline only if they are physically received before close of business on or before the deadline date.

Late Applications

Applications which do not meet these criteria are considered late applications and will not be considered in the current competition.

(Catalog of Federal Domestic Assistance Program Number 13.628, Child Abuse and Neglect Prevention and Treatment)

Dated: August 10, 1984.

Joseph Mottola,

Acting Commissioner, Administration for Children, Youth and Families.

Approved: August 10, 1984.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 84-21862 Filed 8-15-84; 8:45 am]

BILLING CODE 4130-01-M

National Institutes of Health

National Advisory Research Resources Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources (DRR), September 10, 1984, Conference Room 6, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md 20205, at approximately 9:00 a.m.

In accordance with provisions set forth in sections 552b(b)(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. Individual grant applications will be reviewed, discussed, and evaluated. These applications and 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. James Augustine, Information Officer, DRR, Room 5B10, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, Room 5B03, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clinical Research; 13.371, Biotechnology Resources; 13.375, Minority Biomedical

Research Support, National Institutes of Health)

Dated: August 1, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84-21783 Filed 8-15-84; 8:45 am]

BILLING CODE 4140-01-M

Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health on November 4-5, 1984, at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

This meeting will be open to the public on November 4, 1984, from 8:00 p.m. until recess, to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in section 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 November 5, 1984, from 8:00 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

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, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. John L. Fakunding, Executive Secretary, NHLBI, Westwood Building, Room 550, Bethesda, Maryland 20205, phone (301) 496-7361, 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. 84-21780 Filed 8-15-84; 8:45 am]

BILLING CODE 4140-01-M

Safety and Occupational Health Study Section; Meeting

Pursuant to Pub. L. 92-463, a meeting of the Safety and Occupational Health Study Section, National Institute for Occupational Safety and Health, in conjunction with the Division of Research Grants, will be held on October 10-12, 1984, at the Colonial Manor Motel, 11410 Rockville Pike, Rockville, Maryland 20852.

This meeting will be open to the public on October 10 from approximately 8:30 a.m. to 9:30 a.m., to discuss 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 meeting of the Study Section will be closed to the public from 9:30 a.m. October 10 until adjournment on October 12 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.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-7441, will furnish summaries of the meetings and rosters of committee members.

Dr. Richard A. Rhoden, Executive Secretary of the Study Section, Westwood Building, Room 3A10, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-6723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.262, Occupational Safety and Health Research Grants, National Institutes of Health, HHS)

Dated: August 1, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84-21782 Filed 8-15-84; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

[AA-6673-A2]

Alaska Native Claims Selection; Alaska Peninsula Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 12(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Alaska Peninsula Corporation, Successor in Interest to Kokhanok Native Corporation, for approximately 6,060 acres. The lands involved are:

Seward Meridian, Alaska

T. 9 S., R. 32 W.
T. 10 S., R. 32 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the ANCHORAGE DAILY NEWS upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to located, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is

not certified, return receipt requested, shall have until September 17, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is:

Title Administration, Division of Technical Services, Alaska Department of Natural Resources, 3601 C Street, Suites 900–984, Anchorage, Alaska 99503
Alaska Peninsula Corporation, Successor in Interest to Kohanok Native Corporation, P.O. Box 100200, Anchorage, Alaska 99510
Bristol Bay Native Corporation, P.O. Box 100200, Anchorage, Alaska 99510

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84–21827 Filed 8–15–84; 8:45 am]

BILLING CODE 4310–JA–M

[AA–50379–15]

Alaska Native Claims Selection; Chugach Natives, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d) (1983) (Amended 1984), notice is hereby given that a decision to issue conveyance (DIC) under the provisions of sections 12(c) and 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1611(c), 1613(h)(8) (1976) (ANCSA), will be issued to Chugach Natives, Inc., for approximately 13,306 acres. The lands involved are within the Seward Meridian, Alaska:

T. 2 S., R. 8 E.
T. 3 S., R. 8 E.
T. 2 S., R. 9 E.
T. 3 S., R. 9 E.

Upon issuance, the DIC will be published once a week, for four (4) consecutive weeks, in the CORDOVA TIMES. For information on how to obatin copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until September 17, 1984, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E (1983) (amended 1984) shall be deemed to have waived their rights.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84–21823 Filed 8–15–84; 8:45 am]

BILLING CODE 4310–JA–M

[F–21901–72, F–21901–73]

Alaska Native Claims Selection; Doyon, Ltd.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611(c) (1976)) (ANCSA), will be issued to Doyon, Limited, for approximately 43,610 acres. The lands involved are:

Fairbanks Meridian, Alaska

T. 15 N., R. 17 W.
T. 15 N., R. 18 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the TUNDRA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 17, 1984, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Doyon, Limited, Resource Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84–21820 Filed 8–15–84; 8:45 am]

BILLING CODE 4310–JA–M

[AA–6661–C]

Alaska Native Claims Selection; Eklutna, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1611 (1976) (ANCSA), will be issued to Eklutna, Inc., for approximately 227.5 acres. The lands involved are:

Seward Meridian, Alaska

T. 16 N., R. 1 E.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the

ANCHORAGE TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 17, 1984, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is:

U.S. Department of the Interior, Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99802

Eklutna, Inc., 550 West 7th Avenue, Suite 1550, Anchorage, Alaska 99501

Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509

Olivia Short,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84–2182 Filed 8–15–84; 8:45 am]

BILLING CODE 4310–JA–M

[AA–8447–C]

Alaska Native Claims Selection; Eyak Corp. and Chugach Natives, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d) (1983) (amended 1984) notice is hereby given that a decision to issue conveyance (DIC) to the Eyak Corporation and Chugach Natives, Inc. (CNI), notice of which was published in the **Federal Register**, page 42871 on September 20, 1983, is modified by changing the navigability determination of June 30, 1983 as to a portion of Sheep Creek.

Upon issuance, the modified DIC will be published once a week, for four (4) consecutive weeks, in the CORDOVA TIMES. Copies of the modified DIC can be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until September 17, 1984, to file an appeal on the issue in the modified DIC. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E (1983) (amended 1984) shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given September 20, 1983, is final.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR. Doc. 84–21828 Filed 8–15–84; 8:45 am]

BILLING CODE 4310–JA–M

[F–14861–A]

Alaska Native Claims Selection; Golovin Native Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (ANCSA), will be issued to Golovin Native Corporation, for approximately 0.12 acre. The lands involved are:

Kateel River Meridian, Alaska

T. 11 S., R. 22 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the NOME NUGGET upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 17, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State

Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Golovin Native Corporation, Golovin, Alaska 99762.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-21822 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6670-A]

Alaska Native Claims Selection; Iliamna Natives Limited

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (ANCSA), will be issued to Iliamna Natives Limited, for approximately 30.74 acres. The lands involved are within the:

Seward Meridian, Alaska

T. 5 S., R. 33 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the ANCHORAGE DAILY NEWS upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 17, 1984, to file an appeal.

Any party know or unknown who adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To aviod summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Iliamna Natives Limited, Iliamna, Alaska 99606.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-21829 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-14938-A]

Alaska Native Claims Selection; St. Michael Native Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (ANCSA), will be issued to St. Michael Native Corporation, for approximately 0.14 acre. The lands involved are:

Kateel River Meridian, Alaska

T. 23 S., R. 17 W.
T. 23 S., R. 18 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the NOME NUGGET upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 17, 1984, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: St. Michael Native Corporation, St. Michael, Alaska 99659.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-21821 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-14939-A]

Alaska Native Claims Selection; Stebbins Native Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d) (1983) (Amended 1984), notice is hereby given that a decision to issue conveyance (DIC) under the provisions of Sec. 12 of the Alaska Native Claims Settlement

Act of December 18, 1971, 43 U.S.C. 1601, 1611 (1976) (ANCSA), will be issued to Stebbins Native Corporation, for approximately 2.57 acres. The lands involved are within the vicinity of Stebbins, Alaska:

Kateel River Meridian

T. 23 S. R. 19 W.

Upon issuance, the DIC will be published once a week, for four (4) consecutive weeks, in the Tundra Times. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until September 17, 1984, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E (1983) (amended 1984) shall be deemed to have waived their rights.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-21826 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-14946-A]

Alaska Native Claims Selection; Teller Native Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (ANCSA), will be issued to Teller Native Corporation, for approximately 22 acres. The lands involved are:

Kateel River Meridian, Alaska (Unsurveyed)

T. 2 S., R. 37 W.
T. 2 S., R. 38 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the NOME NUGGET upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 17, 1984, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State Director, Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513

State of Alaska, Title Administration, Division of Technical Services, Alaska Department of Natural Resources, 3601 C Street, Suites 900-984, Anchorage, Alaska 99503

Teller Native Corporation, Teller, Alaska 99778

Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-21824 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-14951-A]

Alaska Native Claims Selection; Tununrmiut Rinit Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d) (1983) (Amended 1984), notice is hereby given that a decision to issue conveyance (DIC) under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1611 (1976) (ANCSA), will be issued to Tununrmiut Rinit Corporation, for approximately 4.73 acres. The lands involved are within the Seward Meridian, Alaska:

T. 6 N., R. 91 W.,

Upon issuance, the DIC will be published once a week, for four (4) consecutive weeks, in the TUNDRA DRUMS. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until September 17, 1984 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E (1983) (amended 1984) shall be deemed to have waived their rights.

Ann Adams,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-21819 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6672-A, AA-6672-B]

Alaska Native Claims Selection; Akhiok-Kaguyak, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d) (1983) (Amended 1984), notice is hereby given that a decision to issue conveyance (DIC) under the provisions of sec. 14(a) of the Alaska Native Claims Settlement

Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a) (1976), will be issued to Akhiok-Kaguyak, Inc. (for the village of Kaguyak), for approximately 60,221 acres. The lands involved are within the Seward Meridian, Alaska:

T. 36 S., R. 27 W.
T. 38 S., R. 27 W.
T. 36 S., R. 28 W.
T. 37 S., R. 28 W.
T. 36 S., R. 29 W.
T. 37 S., R. 29 W.
T. 38 S., R. 29 W.
T. 38 S., R. 30 W.
T. 39 S., R. 30 W.
T. 40 S., R. 30 W.

Upon issuance, the DIC will be published once a week, for four (4) consecutive weeks, in the Kodiak Daily Mirror. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until September 17, 1984 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E (1983) (amended 1984) shall be deemed to have waived their rights.

Ruth Stockie,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-21818 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-JA-M

[AA-50379-13]

Alaska Native Claims Selection; Chugach Natives, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of secs. 12(c) and 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611(c), 1613(h)(8)) (ANCSA), will be issued to Chugach Natives, Inc., for approximately 9,140 acres. The lands involved are:

Copper River Meridian, Alaska

T. 20 S., R. 6 E.
T. 20 S., R. 7 E.
T. 21 S., R. 7 E.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the CORDOVA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 710 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 17, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Chugach Natives, Inc., 903 West Northern Lights Boulevard, Suite 201, Anchorage, Alaska 99507.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-21817 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-21901-52[1]]

Alaska Native Claims Selection; Doyon, Ltd.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Doyon, Limited, for approximately 119,049 acres. The lands involved are within Fairbanks Meridian, Alaska:

Fairbanks Meridian, Alaska

T. 30 N., R. 7 W.
T. 31 N., R. 7 W.
T. 32 N., R. 7 W.
T. 30 N., R. 8 W.
T. 31 N., R. 8 W.
T. 30 N., R. 13 W.
T. 31 N., R. 13 W.
T. 32 N., R. 13 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the TUNDRA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

[1] F-21901-54, F-21901-55, F-21901-76, F-21901-80, F-21901-81, F-21901-84, F-21905-99, F-21906-00, F-21906-03.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 17, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Doyon, Limited, Resource Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-21816 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6982-D]

Alaska Native Claims Selection; Kake Tribal Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d) (1983) (amended 1984), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(b), will be issued to Kake Tribal Corporation for approximately 24.73 acres. The lands involved are within T. 57 S., R. 73 E., Copper River Meridian, Alaska.

Upon issuance, the decision to issue conveyance will be published once a week for four (4) consecutive weeks in the JUNEAU EMPIRE. For information on how to obtain copies of the decision, contract the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E (1983) (amended 1984).

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The Appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 17, 1984, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of the requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

U.S. Forest Service, P.O. Box 1628, Juneau, Alaska 99802

Kake Tribal Corporation, P.O. Box 263, Kake, Alaska 99830

Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99802

Ann Adams,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-21814 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-JA-M

Alaska Native Claims Selection; Sealaska Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that decisions to issue conveyance under the provisions of sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(h)(1), will be issued to Sealaska Corporation, for the historical/cemetery site applications as described below. The lands involved are within the Copper River Meridian, Alaska:

Application serial No.	Lands involved	Approximate acreage
AA-10442	T. 61 S., R. 84 E.	5.3
AA-10444	T. 72 S., R. 89 E.	9.5
AA-10445	T. 79 S., R. 96 E.	4.85
AA-10449	T. 66 S., R. 86 E.	3
AA-10450	T. 65 S., R. 85 E.	6.8
AA-10452	T. 79 S., R. 94 E.	2.9
AA-10478	T. 69 S., R. 79 E.	20.3
AA-10479	T. 62 S., R. 73 E.	3
AA-10480	T. 60 S., R. 71 E.	7
AA-10481	T. 58 S., R. 73 E.	29
AA-10483	T. 57 S., R. 71 E.	9
AA-10487	T. 57 S., R. 71 E.	2
AA-10489	T. 51 S., R. 58 E.	10
AA-10490	T. 49 S., R. 58 E.	4.2
AA-10493	T. 57 S., R. 71 E.	6
AA-10497	T. 57 S., R. 71 E.	8.5
AA-10501	T. 62 S., R. 72 E.	13
AA-10514	T. 47 S., R. 73 E.	5.9
AA-10526	T. 44 S., R. 54 E.	12.3

The decisions to issue conveyance will be published once a week, for four (4) consecutive weeks, in the JUNEAU EMPIRE upon issuance of the decisions. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by these decisions, an agency of the Federal Government, or regional corporation may appeal the decisions to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal identifying the decision(s) by application serial number(s) must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the

Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are: 1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 17, 1984 to file an appeal.

Any party known or unknown who is adversely affected by any of the above decisions shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of an appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801
U.S. Department of Agriculture, Forest Service, Regional Office, P.O. Box 1628, Juneau, Alaska 99802

Ann Adams,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-21615 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-JA-M

Proposed Land Classification; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed Land Classification for Recreation and Public Purposes Lease OR7200 to the County of Umatilla, Oregon.

SUMMARY: Notice is hereby given that Umatilla County has submitted an application to lease and a petition to classify the below described land for expansion of the existing sanitary landfill site.

The Bureau of Land Management is proposing the classification of 40.00 acres of public land as suitable for lease under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.). Suitability was determined by the application of criteria under 43 CFR Parts 2410, 2430, 2471 and 2912. When the classification is finalized, the application will be processed.

Classification decision

The following described public land has been examined and found suitable for lease under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.), and the regulations issued thereunder (43 CFR Parts 2740 and 2912):

Willamette Meridian, Oregon

T. 5N., R. 28E.,
Sec. 28: NE¼NE¼.
Containing 40.00 acres, more or less.

This decision/notice is based on the following reasons: The lands are needed to benefit a local governmental program by providing a county-administered/controlled sanitary landfill site.

No resource values will be irretrievably lost by classifying the lands and granting the lease under the Recreation and Public Purposes Act. The federal government owns both the surface and mineral estates.

The adjoining land to the south is presently leased and used for sanitary landfill purposes, authorized by the Recreation and Public Purposes Act of June 14, 1926.

The land is physically suitable and adaptable for the proposed use for which they are classified (43 CFR 2410.1(a)).

All present and potential uses and users were considered with minimal disturbance to or dislocation of existing users foreseen (43 CFR 2410.1(b)).

The classification of the land for public purposes is consistent with local governmental programs, planning, zoning and regulations which are also consistent with a federal program (The Good Neighbor Program) in accordance with 43 CFR 2410.1(d)).

The lands are not of national significance. The lands are found suitable and valuable for public purposes, as the lands are valuable for public purposes, they are considered chiefly valuable for public purposes (43 CFR 2430.2(b)).

The lands are valuable for public purposes as contemplated by 43 CFR 2430.4(a) and may properly be classified for lease under the Recreation and Public Purposes Act as stated in 43 CFR 2430.4(c). This classification would be consistent with the criteria of 43 CFR 2410.1(a)–(d).

Classification of these lands under the provisions of the above-cited Recreation and Public Purposes Act will segregate them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws and applications under the Recreation and Public Purposes Act.

DATE: Comment period ends September 21, 1984.

ADDRESS: Send comments, suggestions or protest to: Area Manager, Baker Resource Area Headquarters, Federal Building, P.O. Box 987, Baker, Oregon 97814.

FOR FURTHER INFORMATION CONTACT: Information related to this Recreation and Public Purposes Application, including the environmental assessment/land report, terms and conditions and special stipulations that will be included in the lease is available for review at the Baker Resource Area Headquarters, Federal Building, P.O. Box 987, Baker, Oregon 97814.

SUPPLEMENTARY INFORMATION: This Recreation and Public Purposes application is consistent with Bureau of Land Management policies and has been discussed with state and local officials.

Petition for classification OR7200 is approved as to the lands described above.

Name of Petitioner: Chairman, Board of Commissioners, Umatilla County, Pendleton, Oregon.

Type of Petition: Recreation and Public Purposes under the Act of June 14, 1926, as amended.

Dated: August 6, 1984.

Jack D. Albright,

Area Manager.

[FR Doc. 84-21837 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-33-M

[N-1348; N-2168]

Proposed Continuation of Withdrawal, Nevada

August 2, 1984.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of Energy proposes that two withdrawals aggregating 2,560 acres for the nuclear testing program continue for an additional 20 years. The lands will remain closed to surface entry and the mining and mineral leasing laws.

DATE: Comments should be received by November 14, 1984.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702–784–5481.

SUPPLEMENTARY INFORMATION: The Department of Energy proposes that the existing land withdrawals made by Public Land Order 4338 of December 6, 1967 and 4748 of December 2, 1969, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

[N–1348]

Mount Diablo Meridian

T. 9 N., R. 51 E., (unsurveyed),
Beginning at a point which is N. 36°08'09" W., 15,911.46 feet, from the southeast corner of T. 9 N., R. 51 E., thence W. 5,280 feet; thence N. 5,280 feet; thence E. 5,280 feet; thence S. 5,280 feet, to the point of beginning.

[N–2168]

Parcel 1

T. 9 N., R. 51 E., (unsurveyed),
Beginning at a point, said point being S. 67°34'33" W., 11,046.966 feet from the southeast corner of T. 9 N., R. 51 E., W. 5,280 feet; N. 7,920 feet; E. 5,280 feet; S. 7,920 feet, to the point of beginning.

Parcel 2

T. 9 N., R. 51 E., (unsurveyed),
Sec. 2, NW¼;
Sec. 3, N½.
T. 10 N., R. 51 E.,
Sec. 34, S½;
Sec. 35, SW¼.

The purpose of the withdrawal is to protect existing testing facilities for the Nevada Test Site. The withdrawal segregates the land from operation of the public land laws generally, including the mining and mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawl continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the Nevada State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register** the existing withdrawal will continue until such final determination is made.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 84–21835 Filed 8–15–84; 8:45 am]

BILLING CODE 4310–HC–M

[Serial No. I–1518]

Idaho; Termination of Classification for Multiple-Use Management

1. Pursuant to the Authority delegated by BLM Manual Section 1203—Delegation of Authority (48 FR 85), I hereby terminate the Bureau of Land Management Multiple-Use Classification Order dated October 27, 1967 and published in the **Federal Register** November 2, 1967, Vol. 32, No. 213, Page 15186–15188, insofar as it affected the lands described below:

Boise Meridian, Idaho, Butte County

T. 2 N., R. 23 E.,
Secs. 1, 2, 11, 12, 13, and 24, those portions within Butte County.
T. 3 N., R. 23 E.,
Secs. 25, 26, 35, and 36, those portions within Butte County.
T. 2 N., R. 24 E.,
Sec. 1;
Secs. 3 to 10, inclusive;
Sec. 11, NE¼, S½NW¼, and S½;
Secs. 12 to 15, inclusive;
Sec. 16, N½ and N½S½;
Secs. 17, 18, 23, and 24, those portions within Butte County.
T. 3 N., R. 24 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Sec. 17, S½SE¼;
Secs. 19 to 36, inclusive.
T. 4 N., R. 24 E.,
Sec. 1, NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, S½NE¼, NE¼SE¼NW¼, S½SE¼NE¼, and S½;
Sec. 2, S½NE¼SE¼, and SE¼SE¼;
Secs. 10 to 15, inclusive;
Sec. 19;
Secs. 21 to 28, inclusive;
Sec. 30;
Secs. 33 to 36, inclusive.
T. 1 N., R. 25 E.,
Secs. 1, 2, and secs. 11 to 14, inclusive.
T. 2 N., R 25 E.,
Secs. 1 to 26, inclusive;
Secs. 35 and 36.
T. 3 N., R. 25 E.,
Sec. 4, N½ and N½S½;
Secs. 5 to 8, inclusive;
Secs. 18 and 19;
Sec. 23, S½;
Secs. 24, 25 and 26;
Sec. 27, NW¼, S½NE¼ and S½;
Sec. 28;
Sec. 29, SE¼NE¼ and E½SE¼;
Sec. 31, E½NE¼ and S½;
Secs. 32 to 36, inclusive.
T. 4 N., R. 25 E.,
Secs. 1 to 24, inclusive;
Secs. 28 to 33, inclusive.
T. 5 N., R. 25 E.,
Secs. 12 and 13;
Sec. 14, NE¼NE¼NE¼, S½NE¼NE¼, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Secs. 21 to 27, inclusive, lying within Butte County;
Sec. 28, NE¼, NE¼SE¼NW¼, S½SE¼NW¼, and S½;
Sec. 29, S½SW¼, NE¼SE¼, NE¼NW¼SE¼, S½NE¼SE¼, and S½SE¼;
Secs. 31 to 36, inclusive, those portions within Butte County.
T. 7 N., R. 25 E.,
Sec. 23, SE¼, those portions within Butte County;
Sec. 24, NE¼, E½NW¼, and S½;
Secs. 25, 26, and 35, those portions within Butte County.
Tps. 1 and 2 N., R. 26 E., All.
T. 3 N., R. 26 E.,
Secs. 3 and 4;
Sec. 5, E½, E½W¼;
Secs. 8 and 9;
Sec. 10, N½NW¼;
Secs. 19, 21, and 22;
Sec. 23, W½SW¼;
Sec. 24, S½NE¼, SE¼NW¼, and S½;
Secs. 25 to 28, inclusive;
Sec. 29, S½S½;
Secs. 30 to 36, inclusive.
T. 4 N., R. 26 E.,
Secs. 1, 2, 6, 7, 11, 12, 13, 14, and 18;
Sec. 19, W½E½NW¼, W½NW¼, and W½SW¼;
Secs. 23, 24, 25, and 28;
Secs. 29, S½S½;
Secs. 32 and 33.
T. 5 N., R. 26 E.,
Secs. 2 and 3;
Sec. 7, S½NE¼, NE¼SW¼NW¼, S½SW¼NW¼, SE¼NW¼, SW¼, and W½SE¼;
Sec. 10, NE¼NE¼, E½NW¼NE¼, SE¼NE¼, E½NE¼SE¼, and E½W½NE¼SE¼;
Sec. 11;
Sec. 12, W½;
Sec. 13, W½;
Sec. 14 and secs. 17 to 20, inclusive;
Secs. 23 to 26, inclusive;
Sec. 29, W½NW¼, N½SW¼;
Sec. 30;
Sec. 31, N½NE¼, SW¼NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 32, S½SW¼;
Sec. 35, NE¼, E½NE¼NW¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 36.
T. 6 N., R. 26 E.,
Secs. 5, 6 and 8;
Sec. 9, W½;
Sec. 21, NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
Sec. 22;
Sec. 26, W½;
Secs. 27, 34 and 35.
T. 7 N., R. 26 E.,
Sec. 18, S½S½;
Sec. 19;
Sec. 20, W½;
Sec. 29, W½;

Secs. 30 and 31;
Sec. 32, W½.
T. 8 N., R. 26 E.,
Sec. 1.
T. 9 N., R. 26 E.,
Secs. 1 to 31 inclusive;
Secs. 35 and 36.
T. 10 N., R. 26 E.,
Secs. 1 to 12, inclusive;
Sec. 13, W½ and W½SE¼;
Secs. 14 to 23, inclusive;
Sec. 24, W½NE¼, SE¼NE¼, W½, and SE¼;
Secs. 25 to 36, inclusive.
T. 1 N., R. 27 E., All.
T. 2 N., R. 27 E., All.
T. 3 N., R. 27 E.,
Secs. 1, 2 and 3;
Sec. 11, N½, NE¼SW¼, E½SE¼SW¼, and SE¼;
Secs. 12, 13 and 14;
Sec. 19, S½NW¼ and S½;
Sec. 20, E½E½, S½SW¼;
Sec. 21;
Sec. 22, S½SW¼, SE¼;
Secs. 23 to 36, inclusive.
T. 4 N., R. 27 E., All.
T. 5 N., R. 27 E.,
Sec. 19;
Secs. 25 to 36, inclusive.
T. 6 N., R. 27 E.,
Sec. 1;
Sec. 2, N½;
Sec. 3, N½;
Secs. 12 and 13;
Sec. 14, SE¼;
Sec. 23, E½;
Secs. 24 and 25;
Sec. 26, E½.
T. 7 N., R. 27 E.,
Secs. 1 to 4, inclusive;
Secs. 9, 10, and 11;
Sec. 12, W½NW¼SW¼, SE¼NW¼SW¼, and SW¼SW¼;
Secs. 13 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 34, 35 and 36.
T. 8 N., R. 27 E.,
Secs. 1 and 2;
Sec. 3, NE¼NE¼, W½NW¼SW¼, and S½SW¼;
Secs. 4 to 9, inclusive;
Sec. 10, W½ and W½W½SW¼SE¼;
Sec. 11, NE¼, NE¼NW¼, E½SE¼NW¼, and SE¼;
Secs. 12 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 9 N., R. 27 E.,
Secs. 2 and 3;
Sec. 4, N½, NW¼SW¼, N½SE¼, N½SE¼SE¼, and SE¼SE¼SE¼;
Secs. 5, 6 and 7;
Sec. 8, N½, SW¼, W½SE¼, and W½E½SE¼;
Secs. 10, 11, 13 and 14;
Sec. 15, NE¼, NE¼SE¼NW¼, S½SE¼NW¼, E½SW¼, and SE¼;
Sec. 17, W½NE¼NE¼, W½NE¼, SE¼NE¼, W½, and SE¼;
Secs. 18, 19, and 20;
Sec. 22, NE¼, NE¼NW¼, E½SW¼NW¼, SE¼NW¼, NE¼SW¼, E½NW¼SW¼, E½W½NW¼SW¼, S½SW¼, and SE¼;
Secs. 23 to 33, inclusive;
Sec. 34, N½, NE¼NE¼SW¼, N½SE¼, E½SW¼SE¼, and SE¼SE¼;
Secs. 35 and 36.
T. 10 N., R. 27 E.,
Secs. 4 to 9, inclusive;
Sec. 15, S½;
Secs. 16 to 22, inclusive;
Sec. 23, W½;
Sec. 26, W½;
Sec. 27;
Sec. 28, N½, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼, and SE¼;
Secs. 29 to 32, inclusive;
Sec. 33, N½NE¼, E½SW¼NE¼, E½W½SW¼NE¼, SE¼NE¼, N½NE¼NW¼, SE¼NE¼NW¼, SW¼SW¼, NE¼SE¼, E½NW¼SE¼, E½W½NW¼SE¼, E½SW¼SE¼, E½W½SW¼SE¼, and SE¼SE¼;
Secs. 34 and 35.
T. 1 N., R. 28 E., All.
T. 3 N., R. 28 E.,
Sec. 5, lots 1 to 4, inclusive, S½NW¼ and NW¼SW¼;
Sec. 6.
T. 4 N., R. 28 E.,
Sec. 1;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Secs. 12 and 13;
Secs. 16 to 23, inclusive;
Sec. 24, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 25, NW¼NW¼;
Sec. 26, N½, N½SW¼, SW¼SW¼, and NW¼SE¼;
Secs. 27 to 32, inclusive;
Sec. 33, N½, SW¼ and N½SE¼;
Sec. 34, NW½NE¼, N½NW¼, and SW¼NW¼.
T. 5 N., R. 28 E.,
Secs. 1, 2, 12, 13, 24, and 31.
T. 6 N., R. 28 E.,
Secs. 1 to 12, inclusive;
Sec. 13, NW¼NW¼;
Sec. 14, N½NE¼NE¼, SE¼NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, W½SW¼NE¼, W½, W½SE¼, and W½SE¼SE¼;
Secs. 15 to 23, inclusive;
Sec. 24, SW¼NW¼ and W½SW¼;
Sec. 25, W½E½NW¼NW¼, W½NW¼NW¼, SW¼NW¼, S½S½NE¼SW¼, W½SW¼, SE¼SW¼, and S½SE¼;
Secs. 26 to 30, inclusive;
Secs. 35 to 36.
T. 7 N., R. 28 E.,
Secs. 1 to 6, inclusive;
Sec. 8, E½NE¼, E½NE¼SE¼, E½W½NE¼SE¼, and E½SE¼SE¼;
Secs. 9 to 16, inclusive;
Sec. 18, W½NE¼SW¼, SE¼NE¼SW¼, W½SW¼, SE¼SW¼, SW¼SE¼, S½N½SE¼SE¼, and S½SE¼SE¼;
Secs. 19 and 20;
Sec. 21, NE¼, W½SW¼, SE¼SW¼, and SE¼;
Secs. 22 to 36, inclusive.
T. 8 N., R. 28 E.,
Secs. 5 to 8, inclusive;
Secs. 16 to 18, inclusive;
Sec. 19, N½, N½S½;
Secs. 20 to 23, inclusive;
Secs. 25 to 29, inclusive;
Sec. 30, SW¼;
Sec. 31;
Sec. 32, NE¼, E½NW¼, E½NE¼SW¼, and SE¼;
Secs. 33 to 36, inclusive.
T. 9 N., R. 28 E.,
Sec. 19, S½;
Sec. 20, SW¼;
Sec. 29, W½;
Secs. 30 and 31;
Sec. 32, W½.
T. 1 N., R. 29 E., All.
T. 4 N., R. 29 E.,
Sec. 5, NW¼NE¼ ands W½;
Secs. 6 and 7;
Sec. 8, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 18, N½NE¼, SW¼NE¼, W½, and NW¼SE¼;
Sec. 19, N½NW¼ and SW¼NW¼.
T. 5 N., R. 29 E.,
Sec. 4;
Sec. 5, W½NW¼NE¼, SE¼NW¼NE¼, S½NE¼, W½, and SE¼;
Secs. 6 to 9, inclusive;
Secs. 17 to 20, inclusive;
Sec. 21, W½W½;
Secs. 29, 30, and 31;
Sec. 32, W½E½ and W½.
T. 6 N., R. 29 E.,
Sec. 1, S½;
Sec. 2, S½;
Sec. 3, W½ and SE¼;
Sec. 4;
Sec. 5, N½, N½SW¼, N½SW¼SW¼, N½SE¼and SE¼SE¼;
Sec. 6, N½, SW¼, N½SE¼, SW¼SE¼, and N½SE¼SE¼;
Sec. 8;
Sec. 9, N½, E½SW¼, and SE¼;
Secs. 10, 11 and 12;
Sec. 13, N½, N½SW¼, N½SW¼SW¼, N½S½SW¼SE¼, N½SE¼SW¼, N½S½SE¼SW¼, N½SE¼, N½SW¼SE¼, and N½N½SE¼SE¼;
Sec. 14, N½, N½NE¼SW¼, SE¼NE¼SW¼, N½SE¼, N½SE¼SE¼, and N½S½SE¼SE¼;
Sec. 15, N½NE¼, N½S½NE¼, N½NW¼, and N½S½NW¼;
Sec. 30;
Sec. 31, S½SW¼NE¼, SE¼NE¼, W½NW¼, W½SE¼NW¼, SE¼SE¼NW¼, and S½;
Sec. 32.
T. 7 N., R. 29 E.,
Secs. 6, 7, 18, and 19;
Sec. 29, W½ and SE¼;
Secs. 30, 31, and 32.
T. 8 N., R. 29 E.,
Sec. 31, S½.
T. 10 N., R. 29 E.,
Secs. 4, 5, 6, 8, 9, 16, 17, 21, and 28.
T. 1 N., R. 30 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 6 N., R. 30 E.,
Secs. 4 to 9, inclusive;
Secs. 16 and 17;
Sec. 18, N½, N½SW¼, N½SW¼SW¼, SE¼SW¼, and SE¼;
Secs. 19, 20, 21, and 28;
Sec. 29, NE¼.
T. 7 N., R. 30 E.,
Secs. 2, 3, 4, 9, 10, 11, 14, and 15;
Sec. 16, E½;

Sec. 21, E½;
Secs. 22, 23, 26, 27, 28, 33, 34, and 35.
Tps. 1 S., Rs. 27, 28, and 29 E.
T. 1 S., R. 30 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.

The area described aggregates approximately 562,563.64 acres.

The lands described above have been and will continue to be open to the mining laws, applications, and offers under the mineral leasing laws.

2. The following-described lands, which were further segregated from appropriation under the general mining laws, will remain segregated by virtue of the classification order dated October 27, 1967, Vol. 32, No. 213, paragraph 3, page 15188:

Berenice Archeological Site

T. 6 N., R. 30 E.,
Sec. 7;
Sec. 8;
Sec. 17, N½N½;
Sec. 18, NE¼NE¼.

The area described contains approximately 1,477.40 acres.

3. The segregative effect on the lands described in paragraph 1 of this order will terminate upon publication of this notice in the **Federal Register** as provided by the regulations in 43 CFR 2461.5(c)(2). At 9:00 a.m. on September 10, 1984, the lands shall be open to operaiton of the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m. on September 10, 1984, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Land Operations, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: August 7, 1984.

Clair M. Whitlock,

State Director.

[FR Doc. 84-21771 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-GG-M

[Serial No. I-2834]

Idaho; Termination of Classification for Multiple-Use Management; Correction

In FR Doc. 84-8776; filed April 2, 1984, appearing on Page 13205 of the issue of April 3, 1984, the following correction should be made:

Black Daisy Recreation Site

T. 7 N., R. 23 E.,
Sec. 12, W½SW¼

Should read:

T. 7 N., R. 23 E.,
Sec. 12, W½NW¼SW¼, NW¼SW¼S W¼.

Dated: August 7, 1984.

Clair M. Whitlock,

State Director.

[FR Doc. 84-21770 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-GG-M

Arizona Strip District Advisory Council Field Tour; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: A field trip of the Bureau of Land Management, Arizona Strip District Advisory Council will be held on September 18–19, 1984. The group will leave at 8:00 a.m. from the Federal Building, 196 E. Tabernacle, St. George, Utah. Purpose of the 2-day tour is to observe and discuss various range improvement projects.

FOR FURTHER INFORMATION CONTACT: G. William Lamb, District Manager, 196 E. Tabernacle, St George, Utah 84770 (801/673-3545).

SUPPLEMENTARY INFORMATION: The trip is open to the public, but interested persons must provide their own transportation, meals, and lodging. Anyone wishing to go on the tour is asked to notify the District Manager by September 14, 1984. Public comment will be accepted at any time during the tour, or written statements may be filed for the Council's consideration.

Dated: August 8, 1984.

G. William Lamb,

District Manager.

[FR. Doc. 84-21769 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Cedar City District Advisory Council will be held September 11, 1984.

The meeting will begin at 9:30 a.m. at the BLM's Ponderosa Grove campground near the Coral Pink Sand Dunes State Park. The agenda will include discussion of land sale policy, recreation in the Moquith Mountain area, the proposed listing of milkweed plants as an endangered species, wilderness study areas adjacent to Zion National Park, and L. C. Holdings proposed coal exploration permit extension.

The meeting will be in the form of a one day field tour with several stops for discussions. All participants should bring their own lunch and drinking water. Some of the roads to be traveled are not recommended for sedan use.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 9:30 a.m. at Ponderosa Grove or may submit written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, P.O. Box 724, Cedar City, Utah 84720 by September 7, 1984. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or Council Chairman.

Dated: August 8, 1984.

J. Kent Giles,

Acting District Manager.

[FR. Doc. 84-21772 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-DQ-M

[4310-84]

Lewiston District Advisory Council, MT; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting, date change.

SUMMARY: The Lewistown District Advisory Council will meet September 5 and 6, 1984, instead of August 28 and 29, 1984. The Council will tour the Upper Missouri Wild and Scenic River.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown, Montana 59457.

Dated: August 10, 1984.

Glenn W. Freeman,

District Manager.

[FR Doc. 84-21765 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-84-M

Pre-Planning Analysis for 1984 Amendment Review of the California Desert Plan; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given that the Pre-Planning Analysis for the Fourth Amendment (1984) to the California Desert Conservation Area Plan is available for public review and comment..

FOR FURTHER INFORMATION CONTACT: Gerald E. Hillier, District Manager,

California Desert District, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: Six proposed amendments to the California Desert Plan have been accepted for consideration in the 1984 amendment review of the plan. The proposed amendments include modifications in the boundaries or management design of several Areas of Critical Environmental Concern, designation of a new Area of Critical Environmental Concern, a change in the wording of a portion of the Grazing Element, and a new utility corridor. The pre-plan describes the following topics.

1. Purpose and need for action;
2. Geographic setting;
3. Scope and level of analysis planned;
4. Significant resource values and issues;
5. Alternatives;
6. Environmental Assessment Preparation schedule; and
7. Public participation schedule.

Comments are being accepted from the public until 30 days from the date of this notice.

Hugh Riecken,

Acting District Manager.

[FR Doc. 84-21774 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-15253, et al.]

Proposed Continuation of Withdrawals; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that five withdrawals for the Owyhee, Boise and Boise Valley Projects continue for an additional 100 years, which is the estimated life of the projects with which the withdrawals are associated. Of the 559 acres included in the continuation proposals, approximately 400 acres would remain open to the mining laws but would be closed to surface entry. The remaining 159 acres would continue to be closed to both surface entry and the mining laws. All of the lands have been and would continue to be open to the mineral leasing laws.

DATE: Coments should be sent to: Chief, Branch of Land Operations, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, 208-334-1597.

The Bureau of Reclamation proposes that the existing land withdrawals made by the Secretarial Orders of December 22, 1903, June 10, 1911, May 24, 1917, the BLM order of October 7, 1953 and Public Land Order 4893 of September 10, 1970, be continued for a period of 100 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Boise Meridian

(I-14981)

Secretarial Order of December 22, 1903

T. 2 N., R. 3 W.,
Sec. 2, lots 5 and 7;
Sec. 3, SW¼NW¼, SE¼NW¼ less 2.13 acres;
Sec. 7, SW¼SE¼.
T. 2 N., R. 2 W.,
Sec. 5, lots 13, 16 and 19;
Sec. 6, lots 9, 10 and 11;
Sec. 17, lots 1 and 3;
Sec. 26, SW¼NW¼;
Sec. 35, NW¼NW¼NW¼.

(I-15069)

Secretarial Order of June 10, 1911

T. 3 N., R. 4 W.,
Sec. 17, NW¼NW¼, lots 8 and 9.

(I-15066)

Secretarial Order of May 24, 1917

TY.2 N., R. 1 E.,
Sec. 12, SW¼NW¼;
Sec. 14, W½NW¼.

(I-15253)

BLM Order of October 7, 1953

T. 4 N., R. 5 W.,
Sec. 32, SW¼SW¼.

(I-2214)

Public Land Order 4893 of September 10.1970

T. 2 N., R. 5 W.,
Sec. 6, lot 4.

The areas described contain 559 acres, more or less, in Owyhee, Ada and Canyon Counties.

The purpose of the withdrawals is to protect mineral material sources which are utilized to maintain constructed reclamation projects in the area. The withdrawls segregate the land to the extent described in the summary paragraph. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations may present their views in writing to the Chief, Branch of Land Operations, in the Idaho State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued and, if so, for how long . The final determination on the continuation of the withdrawals will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

Dated: August 8, 1984.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 84-21763 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-GG-M

Realty Action; Modified Competitive Sale of Public Land in Ogle County, IL; ES-32194, Parcel B

AGENCY: Bureau of Land Management, Interior.

ACTION: Modified Competitive Sale of Public Land.

SUMMARY: The following public island has been examined and found to be suitable for sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than the appraised fair market value of $4,300:

Fourth Principal Meridian, Illinois

T. 25 N., R. 11 E.,
Sec. 14: lot 1 and sec. 15: lot 1.

The above described lots form one island in the Rock River and contain 5.73 acres.

The island will be offered for sale subject to a preference bidder designation to allow the Rock River Valley Council of Girl Scouts, Inc. to meet the highest bid. This preference right was requested by the Council because ownership of the island, which is located near one of their camps, would enhance their existing recreation and environmental study programs. To qualify for the preference bidder designation the Council must submit a bid, at or above the minimum acceptable bid, by the date of sale.

The sale will be conducted by sealed bidding. The minimum acceptable bid is $4,300. Bids must be received at the Milwaukee District Office by 1:00 PM on October 15, 1984. Bids sent by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft or cashier's check for not less than one-fifth of the bid, made payable to the Bureau of Land Management. The envelopes must be marked in the lower left hand corner "Sealed Bid, Parcel B, Public Land Sale ES-32194". All sealed bids will be opened at 1:00 PM on

October 15, 1984. The Rock River Valley Council will be allowed thirty (30) days from date of the sale to meet the highest qualifying bid. Refusal or failure to do so shall constitute a waiver of their preference bidder rights and the land will be offered to the high bidder. The successful high bidder will be required to submit the remainder of the payment by cash, certified check, bank draft, money order or combination thereof, within 180 days after receipt of the decision accepting the highest bid.

If no acceptable bids are received on or by the date of sale, the island will be offered for sale at the Milwaukee District Office on a continuous basis until June 10, 1985.

The island, when patented, will be subject to the following reservations and restrictions:

1. All minerals will be reserved to the United States. Said mineral reservation will include the right to explore, prospect for, mine, and remove same under applicable law and regulations promulgated thereunder, as prescribed by the Secretary of the Interior.

2. A restriction which constitutes a covenant running with the land, that the subject parcel, which is situated within a floodplain, is subject to any use restrictions as set forth in State, county, or local laws or regulations relating to floodplain development as well as any restriction contained in the Ogle County Zoning Regulations, Article 6, Section 6-103B (1-4); which essentially calls for low intensity agricultural or recreational use.

DATE AND ADDRESS: The sale will be held on October 15, 1984, at 1:00 PM in the Milwaukee District Office, Suite 225, 310 West Wisconsin Avenue, P.O. Box 0631, Milwaukee, Wisconsin 53201-0631.

FOR FURTHER INFORMATION CONTACT: Detailed information on the island, sale terms and conditions, bidding qualifications and procedures, etc. may be obtained by contacting Priscilla Mc Lain at the above address or by calling (414) 291-4427.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the Milwaukee District Manager at the above address. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

Chuck Steele,

District Manager.

[FR Doc. 84-21768 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Competitive Sale of Public Land in Ogle County, IL; ES-32194, Parcel D

AGENCY: Bureau of Land Management, Interior.

ACTION: Competitive Public Land Sale.

SUMMARY: The following public island has been examined and found to be suitable for disposal by competitive sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value of $4,200:

Fourth Principal Meridian, Illinois

T. 25 N., R. 11 E.,
Sec. 20: lot 1 and sec. 29: lot 1.

The above described lots form one island in Rock River containing 5.54 acres. A private claim to the island was rejected by BLM on February 14, 1968, because the applicants did not meet the requirements of the Color-of-Title Act of 1928, as amended (43 U.S.C. 1068). This decision was not appealed, therefore it is now final. BLM previously offered this island for sale in August 1983.

The sale will be conducted by sealed bidding. The minimum acceptable bid is $4,200. Bids must be received at the Milwaukee District Office by 1:00 PM on October 15, 1984. Bids sent by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft or cashier's check for not less than one-fifth of the bid, made payable to the Bureau of Land Management. The sealed envelopes must be marked in the lower left hand corner "Sealed Bid, Parcel D, Public Land Sale ES-32194". All sealed bids will be opened at 1:00 PM on October 15, 1984. The successful high bidder will be required to submit the remainder of the payment by cash, certified check, bank draft, money order, or combination thereof, within 180 days after receipt of the decision accepting the highest bid.

If no acceptable bids are received on or before the date of sale, the island will be offered for sale at the Milwaukee District Office on a continuous basis until June 10, 1985.

The island, when patented, will be subject to the following reservations and restrictions:

1. All minerals will be reserved to the United States. Said mineral reservation will include the right to explore, prospect for, mine, and remove same under applicable law and regulations promulgated thereunder, as prescribed by the Secretary of the Interior.

2. A restriction which constitutes a covenant running with the land, that the subject parcel, which is situated within a floodplain, is subject to any use restrictions as set forth in State, county, or local laws or regulations relating to floodplain development as well as any restriction contained in the Ogle County Zoning Regulations, Article 6, Section 6-103B (1-4); which essentially calls for low intensity agricultural or recreational use.

DATE AND ADDRESS: The sale will be held on October 15, 1984, at 1:00 PM in the Milwaukee District Office, Suite 225, 310 West Wisconsin Avenue, P.O. Box 0631, Milwaukee, Wisconsin 53201-0631.

FOR FURTHER INFORMATION CONTACT: Detailed information on the island, sale terms and conditions, bidding qualifications and procedures, etc. may be obtained by contacting Priscilla McLain at the above address or by calling (414) 291-4427.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the Milwaukee District Manager at the above address. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

Chuck Steele,

District Manager.

[FR Doc. 84-21767 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-84-M

[OR-34785, OR-36609, OR-37054]

Realty Action; Sale of Public Land in Malheur County, OR; Correction

In FR Doc. 84-19325, beginning on page 29684 in the issue of Monday, July 23, 1984, make the following corrections on page 29684 in the third column under Willamette Meridian, Oregon:

Parcel No.

OR-34758

Should read

OR-34785

Legal Description

T. 17 S., R. 44 E.,
Sec. 2, NW¼

Should read

T. 17 S. R. 44 E.,

Sec. 2, SW¼

Dated: August 9, 1984.

Fearl M. Parker,

District Manager.

[FR Doc. 84-21764 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-84-M

Shoshone District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Shoshone District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-529, and 43 CFR Part 1780, that a meeting of the Shoshone District Grazing Advisory Board will be held on Wednesday, September 12, 1984 at 9 a.m. at the BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

The purpose of the meeting will be to make recommendations on proposed rangeland improvement projects and range betterment funds for FY85, review updated policy on range improvement maintenance responsibility, Monument RMP progress and an update discussion on the Ninth Circuit Court decision on herbicides.

SUPPLEMENTARY INFORMATION: The public is invited to attend and make written or oral statements between 1:00 p.m. and 2:00 p.m. The statements should not exceed 15 minutes in length. Requests for these statements should be made to the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the Shoshone District Manager, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352, telephone (208) 886-2206. Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Shoshone District Office, Shoshone, Idaho.

Dated: August 8, 1984.

Charles J. Haszier,

District Manager.

[FR Doc. 84-21773 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-GG-M

Socorro Resource Area, New Mexico; Availability, Public Hearings Draft San Augustine Coal Area Management Framework Plan Amendment/ Environmental Assessment (MFPA/ EA)

AGENCY: Bureau of Land Management (BLM) Las Cruces District, Interior.

ACTION: Change in Notice of Availability and Public Hearing as Published in the **Federal Register** July 26, 1984, p. 30137.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM has prepared a Draft Coal Management Framework Plan Amendment to the Divide Area Land Use Plan to consider the issue of including coal estate located on Federal lands in northern Catron and southern Cibola Counties, New Mexico in the Federal coal leasing process.

DATE: Written comments on the Amendment should be sent to the Socorro Resource Area no later than October 9, 1984.

ADDRESS: Comments should be sent to: Socorro Resource Area Office, Attention: Brian Mills, San Augustine Coal Area Amendment, Team Leader, Socorro Resource Area, P.O. Box 1219, Socorro, NM 87801.

FOR FURTHER INFORMATION CONTACT: Brian Mills, San Augustine Coal Area Amendment Team Leader at the above address. Telephone: (505) 835-0412 or FTS 476-6280.

SUPPLEMENTARY INFORMATION: Copies of the Coal Amendment will be distributed to a mailing list of identified interested parties after August 17, 1984. A limited number of copies will be available at the Socorro Resource Area Office, 122 Plaza, Socorro, New Mexico 87801. Public reading copies will be available for review at the BLM State Office, Office of Public Affairs, U.S. Federal Building, Santa Fe, New Mexico; and at public and university libraries in Las Cruces, Socorro, Albuquerque, Farmington, and Santa Fe, New Mexico; and St. Johns and Springerville, Arizona.

Public Hearings

Public hearings will be held on the dates and at the locations listed below to receive oral and/or written comments on the merits of the proposal and on the contents of the Draft Coal Amendment.

Tuesday, September 18, 1984

Socorro, New Mexico
Location: Meeting Room, Socorro Electric Cooperative, 1215 Manzanaris Avenue, N.E., 1:00 p.m.

Wednesday, September 19, 1984

St. Johns, Arizona
Location: Coach Lantern Restaurant, 160 East Commercial, 1:00 p.m.

Thursday, September 20, 1984

Quemado, New Mexico
Location: Quemado Community Center, 1:00 p.m.

During the public hearings, oral comments will be limited to 10 minutes and should be accompanied with a written text. Anyone wishing to register for the public hearings to present oral comments should contact Brian Mills at the Socorro Resource Area Office, phone (505) 835-0412, prior to September 11, 1984.

Charles W. Luscher,

State Director.

[FR Doc. 84-21768 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-FB-M

Public Land Sale; Idaho; Correction

The following correction is made to a Notice of Realty Action published in the **Federal Register** on July 19, 1984, on pages 29281 and 29282 for public sales I-19972 and I-19973:

Paragraph 5 of the "Summary" section is revised to read as follows: The sale offering will be held not less than 60 days after the date of this Notice of Realty Action.

Dated: August 7, 1984.

J. David Brunner,

Associate District Manager.

[FR Doc. 84-21760 Filed 8-15-84; 8:45 am]

BILLING CODE 4310-GG-M

Fish and Wildlife Service

Oil and Gas Exploration Plans (Seismic), Arctic National Wildlife Refuge; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public comment period and date for Fish and Wildlife Service decisions on seismic exploration plans, extension.

SUMMARY: In response to public testimony, the period for accepting written comments on seismic exploration plans for the coastal plain of the Arctic National Wildlife Refuge (ANWR) is extended by this notice. Those plans were published at page 25918 in the **Federal Register** on Monday, June 25, 1984 (49 FR 25918). The date by which the Alaska Regional Director of the U.S. Fish and Wildlife Service (FWS) will announce his decisions to approve, approve with modifications, or disapprove each plan has similarly been extended 30 days. This extension is necessary to allow for review of data obtained during the 1984 exploration program and preliminary assessment of program impacts to fish and wildlife. This information will provide the FWS with a better basis for

the required decisions. The extension will afford the public a longer period to review and comment on the proposed plans.

DATED: Comments must be submitted on or before September 10, 1984.

The FWS Regional Director will announce his determination on seismic exploration proposals for the ANWR by October 2, 1984.

FOR FURTHER INFORMATION CONTACT: Ted Heuer (Oil, Gas, and Minerals Coordinator), (907) 786–3384, or Ann Rappoport (Oil, Gas, and Minerals Specialist), (907) 786–3398, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.

SUPPLEMENTARY INFORMATION: Final regulations for oil and gas exploration within the coastal plain of the ANWR were published in Part IV of the **Federal Register** (pages 16838–16872) on Tuesday, April 19, 1983. The regulations were amended in 49 FR 7569–7570, March 1, 1984. These regulations and amendment required that seismic plans be submitted on June 4, 1984, and that the Regional Director determine whether to approve exploration proposals within 90 days of that submission. The FWS will not decide whether to allow a second seismic exploration season until: (1) Impacts from last winter's work have been assessed; and (2) quality and quantity of data already collected have been evaluated. Since this information will not be available before September, the Regional Director is notifying all applicants of his intention to exercise the 30-day extension on his determination as allowed under 50 CFR 37.22(b). Public testimony at a hearing in Anchorage, July 16, supported a similar extension for the written comment period.

Dated: August 6, 1984.

Robert E. Putz,

Regional Director.

[FR Doc. 84–21754 Filed 8–15–84; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the Main Pass Block 40 Field Federal Unit Agreement No. 14–08–001–3847, submitted on August 6, 1984, a proposed supplemental Development Operations Coordination Document describing the activities it proposes to conduct on the Main Pass Block 40 Field Federal unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 9, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–21761 Filed 8–15–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Superior Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Superior Oil Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2300, Block 235, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and produciton of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on August 9, 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 section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective on December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the CFR.

Dated: August 9, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84–21757 Filed 8–15–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Union Oil Co. of California

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0549, Block 35, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on August 9, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: August 9, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84–21756 Filed 8–15–84; 8:45 am]

BILLING CODE 4310–MR–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–43; Sub-122X]

Illinois Central Gulf Railroad Company; Abandonment Exemption; West Feliciana Parish, LA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by the Illinois Central Gulf Railroad Company of 1.6 miles of track in West Feliciana Parish, LA, subject to standard labor protective conditions.

DATES: This exemption shall be effective on September 17, 1984. Petitions to stay must be filed by August 27, 1984. Petitions for reconsideration must be filed by September 5, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB–43 (Sub-No. 122X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative, John H. Doeringer, 233 N. Michigan Avenue, Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: August 9, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84–21800 Filed 8–15–84; 8:45 am]

BILLING CODE 7035–01–M

[I.C.C. Order No. 5]

Rerouting Traffic; Baltimore & Ohio Railroad Company.

To: Baltimore and Ohio Railroad Company.

In September of 1979, the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI), was declared cashless by the Commission and ceased operations. The Kansas City Terminal Railway Company (KCT) was ordered by the Commission then to serve all lines of the RI as a directed rail carrier under 49 U.S.C. 11125. That operation continued for almost six (6) months and until Federal funding was no longer available, and was replaced by non-compensated directed service provided by various carriers operating about fifty percent of the system in the form of short, unconnected line segments. On June 11, 1980, those authorities were subsumed by Service Order No. 1473 which was issued pursuant to the newly enacted Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), and which expired July 31, 1984. Paragraph J. of Service Order No. 1473, mandated the use of RI rates until tariffs naming new rates were made effective. Further, Service Order No. 1473 could not be extended beyond July 31, 1984, due to the inapplicability of Section 122 of RITEA after the reorganization of the RI.

The Baltimore and Ohio Railroad Company (BO) has leased a segment of track from the former RI between Blue Island and Henry, Illinois. The lease permits long term operation of the line. In addition, BO has adopted all applicable RI rates. However, certain of those rates are route-specific and, due to the expiration of Service Order No. 1473, may no longer be applied without specific rerouting authority.

In its request, BO asserts that much of the traffic moving to points on the line is chemical products from Texas and Louisiana. BO states that it serves forty (40) patrons which generate approximately 5,000 cars per year to and from points on the line, and on rates which are route-specific. No estimate is available presently as to how severely shippers may be affected by the inapplicability of through rates, but it is clear that the absence of rerouting authority will require the use of combinations of local or class rates. Typically, these rates are substantially higher than the thorugh rates normally applied to this traffic.

Finally, we are assured that this authority is only required for ninety (90) days, while BO completes negotiation of new through rates with its connections.

It is the opinion of the Commission that the BO cannot timely provide competitive rates on this traffic absent rerouting authority; that the interests of the affected shippers require this authority; that BO should be permitted to utilize this authority while completing tariff changes; that need has been shown to grant this authority for the effective period of this order; and, that this matter is considered to be outside the scope of a single railroad, as provided by *Ex Parte No. 376, Rerouting of Traffic*, 364 I.C.C. 827, thereby making this action by the Commission necessary.

It is ordered:

(a) *Rerouting traffic.* The Baltimore and Ohio Railroad Company (BO) is authorized to reroute such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall be endorsed with a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order must receive the concurrence of other railroads to which such traffic is to be rerouted.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each shipment is rerouted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the rerouting of traffic is deemed to be due to carrier inability, the rates applicable to traffic rerouted pursuant to this order shall be the rates which were applicable on the shipments as originally routed.

(e) In executing the directions of the Commission provided for in this order, the common carriers involved should proceed even though no contracts, agreements or arrangements may now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., August 10, 1984.

(g) *Expiration date.* This order shall expire at 11:59 p.m. November 5, 1984, unless otherwise modified, amended or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 11124.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 13, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

Janes H. Bayne,

Secretary.

[FR Doc. 84-21799 Filed 8-15-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enforce the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on August 7, 1984, a proposed Consent Decree in *United States* v. *Amoco Oil Company,* Civil Action No. 80-0801-CV-W-0, was lodged with the United States District Court for the Western District of Missouri.

The proposed Consent Decree provides for a payment of $350,000 in cash penalties to the U.S. Treasury, plus the payment of an additional $150,000 contribution to a nonprofit organization to finance a hazardous waste research project.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Amoco Oil Company,* D.J. No. 90-5-1-1399.

The proposed Consent Decree may be examined at the office of the United States Attorney, 549 U.S. Courthouse, 811 Grand Avenue, Kansas City, Missouri 64106; the Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1521, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please refer to the case and DOJ Reference #90-5-1-1-1399.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-21759 Filed 8-15-84; 8:45 pm]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 83-32]

Bourne Pharmacy, Inc.; Revocation of Registration; Granting of Application

On October 26, 1983, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Bourne Pharmacy, Inc. (Respondent) of Trading Post Corners, 5 Trowbridge Road, Bourne, Massachusetts 02532, proposing to revoke DEA Certificate of Registration AB1993991 previously issued to Respondent and to deny an application for renewal executed on June 4, 1982. The statutory predicate for the proposed action was the conviction of Gerald Liberfarb, the managing pharmacist and president-treasurer of Respondent pharmacy, of a controlled substance-related felony on April 15, 1982 in the Superior Court of Massachusetts, Barnstable County.

Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause. By an order dated February 22, 1984, Administrative Law Judge Francis L. Young amended all papers previously filed in the proceeding to include reference to Respondent's application dated June 20, 1983, for renewal of the registration and directed that all further proceedings include the same. The hearing in this matter was held in Washington, D.C. on March 26, 1984, with the Administrative Law Judge presiding.

On May 18, 1984, Judge Young issued his opinion and recommended findings of fact, conclusions of law, ruling and decision. No exceptions were filed and on June 22, 1984, Judge Young transmitted the record of these proceedings to the Administrator. The record included, *inter alia,* the Administrative Law Judge's opinion, the hearing transcript and all exhibits which had been placed in the record. The Administrator has considered this record in its entirety and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter, based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that on October 26, 1981, a proven reliable informant provided a Detective Sergeant of the Bourne, Massachusetts Police Department with information concerning Gerald Liberfarb, the pharmacist at Respondent pharmacy. The informant told the detective that Liberfarb bought stolen items from the informant. Liberarb was aware that the items had been stolen by the informant. The day after the informant went to the police, Mr. Liberfarb happened to give the informant a ride. As they rode together, Liberfarb pointed out places where coins and stamps could be stolen and stated that he was interested in having the informant conduct some burglaries to get these coins and stamps. The informant related this conversation to the detective.

The detective borrowed some rare coins from a local coin shop. The informant took one of these coins to Liberfarb at Respondent pharmacy. The informant asked for Quaaludes in exchange for the coin. Liberfarb stated that he was unable to give the informant any Quaaludes, but that he would give him some Valium instead. Liberfarb proceeded to give the informant 100 Valium. In a subsequent telephone conversation, Liberfarb agreed to give the informant another 100 Valium for the remaining coins that the detective had borrowed. A meeting time and place were arranged for the exchange between Liberfarb and the informant. Officers of the Bourne Police Department maintained surveillance of the area. The officers arrested Liberfarb just after he gave the 100 Valium to the informant.

On April 15, 1982, in the Superior Court of Massachusetts, Barnstable County, Gerald Liberfarb pled guilty to a charge of illegal distribution of a class "C" controlled substance without a prescription, in violation of Massachusetts General Laws, Chapter 94C § 32. Therefore, there is a lawful basis for the revocation of Respondent's registration and for the denial of Respondent's pending application for renewal submitted on June 4, 1982. 21 U.S.C. 824(a)(2). DEA has consistently held that the registration of a corporate registrant may be revoked upon a finding that a natural person who is an owner, officer or key employee, or who has some responsibility for the operation of the registrant's controlled substance business, has been convicted of a felony offense relating to controlled substances. See: *Leonard S. Cohen, t/a Senate Drug Store*, Docket No. 72–5, 38 FR 9522 (1973); *River Forest Pharmacy*, Docket No. 73–6, 38 FR 27417 (1973); *Big-T Pharmacy, Inc.*, Docket No. 80–34, 47 FR 51830 (1982); *Lawson & Sons Pharmacy and Fenwick Pharmacy*, 48 FR 16140 (1983).

The Massachusetts Board of Registration in Pharmacy suspended Gerald Liberfarb's pharmacy license for two years as a result of his conviction. This suspension terminates in December, 1984. The Board's action was affirmed on appeal by the Supreme Judicial Court for Suffolk County, Massachusetts.

At the hearing before the Administrative Law Judge in this matter, Dorothea Liberfarb, the 68 year old mother of Gerald Liberfarb testified on behalf of Respondent pharmacy. Judge Young found that Robert Liberfarb, Gerald's father, was a pharmacist for about 43 years before he died in 1975. Together with his wife, he owned and operated a series of pharmacies over the years. These pharmacies were the sole source of income for Mr. and Mrs. Liberfarb. When the Liberfarbs first acquired Bourne Pharmacy in 1970, a family corporation was formed. Robert Liberfarb owned 55% of the stock. His wife had 15%. Gerald Liberfarb had 10% of the stock as did each of Gerald's two sisters. After Robert Liberfarb's death in 1975, Gerald Liberfarb took over as pharmacist at Respondent pharmacy and became president and treasurer of the family corporation.

Since Gerald Liberfarb's conviction, he has resigned all of his posts in the corporation and has transferred all of his stock to other family members. He presently works in the drugstore, but not as a pharmacist. Instead, he operates a lottery machine and a copying machine. He also sweeps up and performs clerical jobs around the store. According to his mother, he does not enter the pharmacy area of the store and takes no part in the pharmacy operations of the business. Gerald Liberfarb did not testify in these proceedings.

Mrs. Liberfarb actually manages the drugstore business but all aspects of the pharmacy operation, required to be conducted by a pharmacist, are carried on by Thomas "Todd" Aronne, a registered pharmacist. The application for renewal of Respondent's registration that is dated June 20, 1983, was submitted by Aronne.

In this extraordinary situation, where the business affairs of the pharmacy are managed by Mrs. Liberfarb and the pharmacist duties are carried out by Mr. Aronne, the Administrator agrees with the Administrative Law Judge that denial of the application filed by Aronne may not best serve to protect against diversion of controlled substances. As is often the case before the Administrative Law Judge and the Administrator, only the pharmacist, Gerald Liberfarb, abused his position in the pharmacy. The actions in which Gerald Liberfarb engaged are sufficient for the Administrator to revoke the pharmacy's registration and deny all pending applications. See *Drug Mart, Inc.*, Docket No. 83–17, 49 FR 13928 (1984); *Joseph D. Lehmberg d/b/a/ Ridgefield Pharmacy*, Docket No. 82–33, 48 FR 48726 (1983). Giving controlled substances in exchange for antique coins is a grotesque parody of the high ethical and professional standards expected of pharmacists. If Gerald Liberfarb alone were the pharmacist at Bourne Pharmacy, the Administrator would surely revoke Respondent's registration. However, Mrs. Liberfarb and Mr. Aronne are willing to shoulder the responsibility of protecting the public against diversion of controlled substances, in part by prohibiting Gerald Liberfarb from ever again handling controlled substances in this pharmacy.

The Administrator adopts the findings of fact and conclusions of law of the Administrative Law Judge and notes that subsequent to Judge Young's transmittal of his opinion and the record to the Administrator, the Drug Enforcement Administration received a corporate resolution from Bourne Pharmacy. It stated, "that the corporation will not at any time in the future, re-employ Gerald Liberfarb as a pharmacist." This resolution was dated June 4, 1984, and was signed by Dorothea Liberfarb as the clerk (secretary) for Bourne Pharmacy. The Administrator concluded that based on the actions of Gerald Liberfarb, Respondent pharmacy's present registration must be revoked and the renewal application submitted by Gerald Liberfarb must be denied. The Administrator believes however, that given the corporation's assurance that Gerald Liberfarb will not be employed as the pharmacist at Bourne Pharmacy and given the fact that Dorothea Liberfarb has a good record as a pharmacy owner and depends on Respondent pharmacy for her livelihood, Bourne Pharmacy should be granted a new DEA registration, naming Thomas "Todd" Aronne as the managing pharmacist.

Accordingly, having concluded that there is a lawful basis for the revocation of Respondent's registration and for the denial of Respondent's 1982 application for renewal and having further concluded that under the facts and circumstances presented in this case the registration should be revoked and the pending application denied, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AB1993991, previously issued to Bourne Pharmacy, Inc., be, and it hereby is revoked, and the application for renewal of Bourne Pharmacy, Inc.'s Registration dated June 4, 1982, be, and it hereby is denied. The Administrator further grants the application executed June 20, 1983, by Thomas "Todd" Aronne as the managing pharmacist, and orders the issuance of a new Certificate of Registration with the provisions and limitations set out in this order, effective September 17, 1984.

Dated: August 10, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84–21859 Filed 8–15–84; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL SCIENCE FOUNDATION

DOE/NSF Nuclear Science Advisory Committee; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee, Subcommittee on Computers and Computing.

Date, time and place: August 31, 1984, 9:00 am–3:00 pm; September 1, 1984, 9:00 am–1:00 pm; Conference Room 1 E 245, Department of Energy, Forrestal Building, 1000

Independence Avenue, S.W., Washington, D.C. 20545.

Type of meeting: Open.

Contact person: Dr. Harvey B. Willard, Head, Nuclear Science Section, National Science Foundation, Washington, D.C. 20550, 202/357-7993.

Summary minutes: May be obtained from: Mrs. Shirley Goulart, Physics Division, National Science Foundation, Washington, D.C. 20550.

Purpose of committee: Examination of the needs of the United States basic nuclear research program for computers and computing over the next decade.

Agenda: NSF/DOE input; oral presentations; committee discussions.

Dated: August 13, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84-21761 Filed 8-15-84; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy, Technology and Criteria; Meeting

The ACRS Subcommittee on Safety Philosophy, Technology and Criteria will hold a meeting on September 5, 1984, Room 1167, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, September 5, 1984—8:30 a.m. until the conclusion of business—The Subcommittee will discuss the EPRI categorization of the NRC Staff's Generic Safety and Licensing Issues regarding their application to standardized nuclear plants. Discussions related to the status of the ongoing work on Safety Goal Policy and USI-17 (Systems Interactions in Nuclear Power Plants) may also be scheduled for this meeting. The discussions on the EPRI categorization of Generic Safety and Licensing Issues have been tentatively scheduled between 1:00 p.m. and 6:00 p.m.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m., and 4:15 p.m., EDT.

Dated: August 13, 1984.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 84-21848 Filed 8-15-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-10/237/249]

Commonwealth Edison Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix E to 10 CFR 50 to Commonwealth Edison Company (the licensee) for the Dresden Nuclear Power Station, located at the licensee's site in Grundy County, Illinois.

Environmental Assessment

Identification of Proposed Action: The exemption relates to the June 5, 1984 emergency preparedness exercise at the Dresden Nuclear Power Station which was held without State and local government participation. The proposed exemption which would approve the June 5, 1984 exercise is in accordance with the licensee's requests for exemption dated April 5 and April 26, 1984.

The Need for the Proposed Action: 10 CFR 50.54(q) requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F of Appendix E requires each licensee to conduct annul emergency preparedness exercises at each site with participation by appropriate State and local government agencies.

On September 28, 1983, the Federal Emergency Management Agency (FEMA) issued, in final form, a new rule (44 CFR Part 350) which established policy and procedures for the review and approval by FEMA of state and local emergency plans and preparedness for coping with the offsite effects of radiological emergencies at nuclear power plants.

An NRC Information Notice No. 84-05, entitled "Exercise Frequency" was issued on January 16, 1984, to bring, to the attention of all licensees this change to a biennial exercise requirement for State and local governments as specified in the FEMA rule. The Notice stated that licensees should continue to follow the current annual exercise frequency requirements as stated in NRC's regulations and that they may only conform with the FEMA rule by specific request for exemption from the NRC requirement. By letter dated December 27, 1983, FEMA, Region V, in All-State letter, ASL 71-83, stated that under 44 CFR Part 350, the local and State governments in the Dresden Station emergency planning zone were eligible to exercise biennially. By letter dated April 26, 1984, the State of Illinois Emergency Services and Disaster Agency informed the licensee that the State and local governments did not plan to participate in the June 5, 1984 exercise.

Environmental Impacts of the Proposed Action: The proposed exemption only affects the participation of the State and local government agencies in the annual emergency preparedness exercise and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not be greater than previously determined nor does the proposed relief otherwise affect radiological plant effluents, nor any significant occupational exposure. Likewise, the relief does not effect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

Since we have concluded that there is no measurable environmental impact associated with the proposed

exemption, any alternatives will either have no environmental impact or greater environmental impact. The principal alternative to the exemption would be to require literal compliance with Section IV.F of Appendix E to 10 CFR Part 50. Such an action would not enhance the protection of the environment and would result in unnecessary expenditure of State and local government resources to participate in the exercise.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in connection with the Final Environmental Statements relating to this facility (Final Environmental Statement—Dresden Nuclear Power Station, Units 2 and 3, November 1973, and Final Environmental Statement related to Primary Cooling System Chemical Decontamination at Dresden Nuclear Power Station, Unit 1, October 1980).

Agencies and Persons Consulted: The NRC Staff reviewed the licensee's requests, the 1983 exercises at Dresden, LaSalle County, and Byron, the FEMA Final Report of the September 14, 1983 exercise at the Dresden Nuclear Power Station dated February 6, 1984, the FEMA Final Report for the November 15, 1983 exercise at the Byron Nuclear Power Station dated February 1, 1984, and FEMA Final Report for the July 12, 1983 exercise at the LaSalle County Nuclear Power Station dated January 6, 1984. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the requests for exemptions dated April 5 and 26, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Dated at Bethesda, Maryland, this 10 day of August 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 84-21849 Filed 8-15-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-260]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Unit 2); Exemption

I

The Tennessee Valley Authority (TVA/the licensee) is the holder of Facility Operating License No. DPR-52 which authorizes the operation of the Browns Ferry Nuclear Plant, Unit 2 (the facility) at steady-state power levels not in excess of 3,293 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Limestone County, Alabama. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for test of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Section III.D of Appendix J requires that local leak rate tests (LLRT) be performed during each reactor shutdown for refueling but in no case at intervals greater than two years. Appendix J was published on February 14, 1973. At that time, all light water reactors were on a nominal annual refueling cycle with relatively short refueling outages. However, most light water reactors are now on an 18-month or two-year refueling cycle with extended refueling outages.

By letter dated April 2, 1984, TVA requested an exemption from the LLRT interval requirements of 10 CFR Part 50, Appendix J for 142 components at Browns Ferry Unit 2 to permit continued operation until Unit 3 is ready to restart following an extended outage which began September 7, 1983. Unit 2 is currently scheduled to shut down for the Cycle 5 refueling outage on September 15, 1984 at which time Unit 3 is scheduled to restart. For the 142 components, the two-year test interval specified in Appendix J expires between August 10 and September 9, 1982. To extend core life Unit 2 has been operating at reduced power since March 1, 1984. However, to continue such operation after August 10, 1984 an exemption from 10 CFR Part 50 Appendix J is necessary. TVA has requested an extension of the two-year test interval to September 15, 1984 (i.e., a maximum extension of 35 days for any component).

Browns Ferry Unit 2 shut down for the last refueling modification on July 30, 1982. The components which are covered by this exemption were individually leak tested in accordance with Appendix J between August 11 and September 9, 1982. Unit 2 did not startup until March 20, 1983, so there was a period of about eight months—about one third of the two year Appendix J test interval—during which the valves were not exposed to any significant temperature, pressure or conditions which would likely degrade the valves.

We have determined that the exemption from the LLRT frequency of Appendix J requested by the licensee for 95 of the 142 components identified in TVA's letter of April 2, 1984 should be granted on the following bases:

1. The condition of the 95 components is not expected to change significantly during the requested extension period, which is short in comparison with the two-year test interval specified in Appendix J. The extension in the test interval is for a maximum of 35 days for any component.

2. The intent of Appendix J was that isolation valves be tested during refueling outages. It was not the intent of Appendix J to require a shutdown solely for LLRT. The reason for the request by the licensee is to extend the LLRT interval to coincide with the scheduled shutdown for refueling. However, 47 of the 142 components have been identified as capable of being tested with the facility operating. Those components are therefore not included in this exemption.

3. The two-year test interval specified for Type C tests in Appendix J was based on two years of expected exposure of components to service conditions. However, for about one third of the two-year period since the components were tested, Browns Ferry Unit 2 was in an extended outage during which the components were not exposed to an operating environment. This should reduce any potential degradation of those components.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption request:

Exemption is granted from the requirements of Section III.D of

Appendix J pertaining to the LLRT frequency for conducting Type B and C tests on the 95 components identified in the attachment. The test interval may be extended to September 15, 1984.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the environment (49 FR 32290).

Dated at Bethesda, Maryland, this 13th day of August 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Attachment

UNIT 2 PRIMARY CONTAINMENT SYSTEM COMPONENTS GRANTED AN EXTENSION OF TEST INTERVAL, BROWNS FERRY NUCLEAR PLANT

Component	Number [1]	Description
Bellows	X-7A IB	Primary steamline.
Do	X-7A OB	Do.
Do	X-7B IB	Do.
Do	X-7B OB	Do.
Do	X-7C IB	Do.
Do	X-7C OB	Do.
Do	X-7D IB	Do.
Do	X-7D OB	Do.
Do	X-8 IB	Primary steamline drain.
Do	X-8 OB	Do.
Do	X-9A IB	Feedwater line.
Do	X-9A OB	Do.
Do	X-9B IB	Do.
Do	X-9B OB	Do.
Do	X-10 IB	Steamline to RCIC turbine.
Do	X-10 OB	Do.
Do	X-11 IB	Do.
Do	X-11 OB	Do.
Do	X-12 IB	RHR shutdown supply line.
Do	X-12 OB	Do.
Do	X-13A IB	RHR return line.
Do	X-13A OB	Do.
Do	X-13B IB	Do.
Do	X-13B OB	Do.
Do	X-14 IB	Reactor water cleanup line.
Do	X-14 OB	Do.
Do	X-16A IB	Core spray line.
Do	X-16A OB	Do.
Do	X-16B IB	Do.
Do	X-16B OB	Do.
Do	X-17 IB	RHR head spray line.
Do	X-17 OB	Do.
Electrical penetration.	X-101 A	Recirculation pump power.
Do	X-101 B	Do.
Do	X-101 C	Do.
Do	X-101 D	Do.
Do	X-105 B	Do.
Do	X-105 C	Do.
Double O-ring seal.	X-35 D	T.I.P. drive.
Do	X-35 E	Do.
Do	X-35 G	Do.
Do	X-47	Power operations test.
Do	1	Shear lug inspec. cover hatch.
Do	2	Do.
Do	3	Do.
Do	4	Do.
Do	5	Do.
Do	6	Do.
Do	7	Do.
Do	8	Do.
Valve	2-1192	Service water.
Do	2-1383	Do.
Do	32-62	Drywell compressor suction.
Do	32-63	Do.
Do	32-336	Do.
Do	33-785	Service air.
Do	33-1070	Do.

UNIT 2 PRIMARY CONTAINMENT SYSTEM COMPONENTS GRANTED AN EXTENSION OF TEST INTERVAL, BROWNS FERRY NUCLEAR PLANT—Continued

Component	Number [1]	Description
Do	43-13	Reactor water sample line.
Do	43-14	Do.
Do	63-525	Standby liquid control discharge.
Do	63-526	Do.
Do	71-2	RCIC steam supply.
Do	71-3	Do.
Do	71-32	RCIC vacuum pump discharge.
Do	71-592	Do.
Do	73-2	HPCI steam supply.
Do	73-3	Do.
Do	73-81	HPCI steam supply bypass.
Do	73-24	HPCI turbine exhaust drain.
Do	73-609	Do.
Do	74-54	RHR LPCI discharge.
Do	74-67	Do.
Do	74-68	Do.
Do	74-71	RHR suppression chamber spray.
Do	74-72	Do.
Do	74-74	RHR drywell spray.
Do	74-75	Do.
Do	75-25	Core spray discharge.
Do	75-26	Do.
Do	75-53	Do.
Do	75-54	Do.
Do	75-57	Core spray to auxiliary boiler.
Do	75-58	Do.
Do	76-49	Containment atmospheric monitor.
Do	76-50	Do.
Do	76-51	Do.
Do	76-52	Do.
Do	76-53	Do.
Do	76-55	Do.
Do	76-57	Do.
Do	76-59	Do.
Do	76-60	Do.
Do	76-61	Do.
Do	76-62	Do.
Do	76-67	Do.

IB = Inboard. OB = Outboard.

[FR Doc. 84-21852 Filed 8-15-84; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 23392; 70-6848]

American Electric Power Co. Inc., et al.; Sale of Utility Assets

In the Matter of American Electric Power Company, Inc., 180 East Broad Street, Columbus, Ohio 43212; Columbus and Southern Ohio Electric Company, 215 North Front Street, Columbus, Ohio 43215; Indiana & Michigan Electric Company, One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46810; Notice of Proposed Sale of Utility Assets.

August 10, 1984.

American Electric Power Company, Inc. ("AEP"), a registered holding company, and two of its electric utility subsidiaries, Columbus and Southern Ohio Electric Company ("C&SOE"), and Indiana & Michigan Electric Company("I&M"), have proposed a further transaction in this filing pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

The Commission previously authorized C&SOE and AEP to sell to undertermined, non-affiliated purchasers certain gas turbine generating units and certain associated equipment (April 15, 1983, HCAR No. 22913). C&SOE has entered into an agreement to arrange for the sale of two 40 Megawatt TP4–2DF Twin Pac Turbojet Generating Units and certain associated equipment, which are leased by C&SOE, to International Systems Incorporated ("International Systems") for a total consideration of $3,800,000, subject to all requisite regulatory approval. C&SOE has agreed to pay certain additional costs (estimated to be approximately $4,230,000) to terminate the lease of such equipment in addition to a payment of $250,000 by International Systems. As a result of the sale and termination of the lease of such equipment, C&SOE will avoid certain future lease payments and personal property taxes such that these avoided costs will approximately equal the difference between the $3,800,000 consideration received for such equipment and the amounts paid to terminate the lease.

In consideration for C&SOE's payment of certain additional costs and as one of the provisions of the sale, C&SOE proposes to acquire a note without interest in the amount of $3,550,000 due July 15, 1985 ("Note"). C&SOE requests authorization to acquire the Note in connection with the sale.

The proposal and any further 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 September 14, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the addresses 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 proposal, as amended, or as it may be further amended, may be authorized.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21786 Filed 8-15-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21228; SR-CBOE-84-24]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

August 10, 1984.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on August 6, 1984, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Securities and Exchange Commission the proposed rule change described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would eliminate from the Interest Rate Options Qualification Examination ("Test Series Five") [1] questions concerning those interest rate options products which currently are not listed for trading on any exchange; that is, options on Government National Mortgage Association ("GNMA") securities and options on the smaller denomination U.S. Treasury Bills, Bonds and Notes ($200,000, $20,000, and $20,000, respectively). At the time that Test Series Five was written, CBOE contemplated trading options on GNMA securities and options on $20,000 U.S. Treasury Bonds. Similarly, the American Stock Exchange, Inc. ("Amex") contemplated trading options on $200,000 U.S. Treasury Bills and $20,000 U.S. Treasury Notes. However, the GNMA options never began trading on CBOE, and although options on the U.S. Treasury securities did trade on Amex and CBOE, trading on those debt options subsequently ceased.

At present, the examination has 50 questions in the following subject areas: Interest Rate Theory (6), the Underlying Securities (13), The Interest Rate Options Markets (10), Options Trading Practices (12), and Sales Practice Rules (9). The proposed rule change would replace the five GNMA options questions included in the Options Trading Practices category with two additional questions on Interest Rate Options Markets and three additional questions on Sales Practice Rules. In addition, the proposal authorizes CBOE to replace those examination questions concerning options on the smaller denomination U.S. Treasury Bills, Bonds, and Notes with questions on the large-sized contracts.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-CBOE-84-24.

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, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the Chicago Board Options Exchange, Incorporated.

By assuring that the questions on Test Series Five relate to the current trading environment, the proposed rule change should enable CBOE, through use of the modified examination, to better ensure a minimum level of competency among its members with regard to those interest rate options products currently available for trading. In its filing, CBOE asserts that the proposed rule change is consistent with Section 6(b)(5) of the Act which provides, in pertinent part, that the rules of the exchange be designed to promote just and equitable principles of trade and to protect the investing public.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission also finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing in that the Exchange is merely proposing technical changes to conform the Interest Rate Options Qualification Examination to the current trading environment. In addition, the Commission previously has considered and approved a similar proposal filed by the American Stock Exchange, Inc.[2]

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, granted.

For the commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21785 Filed 8-15-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21223; File No. SR-CSE-84-2]

Self-Regulatory Organizations; Proposed Rule Changes by the Cincinnati Stock Exchange

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 20, 1984, The Cincinnati Stock Exchange (the "Exchange") filed with the Securities and Exchange Commission the Proposed Rule Changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. The Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Effective June 7, 1984, the membership of The Cincinnati Stock Exchange approved five amendments to the Code of Regulations to read as follows (new language italicized, deleted language in brackets);

Article II, Section 5.2 Certain Restrictions Applicable to Proprietary Members Only.

(a) * * *

(b) The maximum number of proprietary memberships authorized is [75] *200,* of which not less than 15 shall be issued and outstanding at all times.

Article II, Section 10.1 Annual Meeting.

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[1] Test Series Five is the industry qualification examination concerning interest rate (or debt) options products. Passing this examination qualifies member firm employees to trade the options products covered on the examination.

[2] *See* File No. SR-Amex-84-21 and Securities Exchange Act Release No. 21193 (August 1, 1984), 49 FR 31519 (August 7, 1984).

(a) The annual meeting of the membership shall be held on the [second Monday in July] *fourth Thursday in April* in each year, or as soon thereafter as practicable, and shall be held at a place and time determined by the Board of Trustees.

(b) * * *

Article II, Section 10.4 Voting at Membership Meetings.

Each Proprietary Member shall be entitled to one vote at membership meetings. Access Participants shall not be entitled to vote, except that each Access Participant shall be entitled to vote in the election of *any proposed Trustee who is an Access Participant or a partner, officer or director of an Access Participant to* the Board of Trustees and on any amendment to the Articles of Incorporation or these Code of Regulations which reduces the rights or increases the obligations of such Access Participant. In all instances, members shall act by majority vote of those members present (in person or by proxy) and entitled to vote at any duly called meeting at which a quorum is present.

Article V, Section 1 Board of Trustees.

The management and administration of the affairs of the Exchange shall be vested in a Board of Trustees, which shall be composed of nine members, of whom: (a) not less than three shall be Proprietary Members or partners, officers or directors of Proprietary Members; (b) at least one, *and no more than two,* shall be Access Participants or partners, officers or directors of Access Participants unless there are no Access Participants, in which case such Trustee shall be a Proprietary Member or a partner, officer or director of a Proprietary Member; and (c) at least one shall be representative of issuers and investors and shall not be associated with any member of the Exchange or any registered broker or dealer. No two or more Trustees may be partners, officers or directors of the same person or be affiliated with the same person.

Article VI, Section 3.2 Nominating Committee.

The Chairman, with the approval of the Board of Trustees, shall appoint the members of the Nominating Committee not less than thirty nor more than ninety days prior to the annual meeting of the membership. Such members shall serve for terms of one year.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Article II, Section 5.2 relating to Proprietary Memberships—The Exchange has issued all seventy-five Certificates of Proprietary Membership currently authorized by its Code of Regulations. Interest in becoming a Proprietary Member has increased, and the Exchange expects such interest to be even greater in the future. Further, the authorization of additional Certificates of Proprietary Membership will enhance the ability of the Exchange to raise capital. The Proposed Rule Change would enable the Exchange, consistent with its obligations under Section 6(b)(2) and (5) of the Act, to create greater opportunity for participation in the national market system.

Article II, Section 10.1 relating to Annual Meeting—In November, 1983, the Exchange adopted a calendar fiscal year to replace its April 1 fiscal year. The calendar fiscal year is in accord with general industry practice, and therefore this accounting change fosters coordination of the Exchange's annual statistical and financial information with that of the other Exchanges. The Proposed Rule Change would facilitate the efficient administration of Exchange matters by convening the Annual Meeting promptly after the members receive an annual financial report.

Article II, Section 10.4 and Article V, Section 1 relating to Access Participants—The Proposed Rule Change eliminates certain ambiguities in the Exchange's Code of Regulations relating to the voting rights and representation on the Board of Trustees of Access Participants. The Access Participant classification was created to provide persons who were eligible to become members with inexpensive limited access to the Exchange's automated facilities, principally for agency order flow. The Access Participant pays an annual filing fee of $100 except where the Exchange transmits information to a clearing entity for the Access Participant's account, in which case it also pays a fee of $50 per month. This compares with $900 annual dues for a Proprietary Membership. In addition, an Access Participant is not required to purchase any certificate comparable to a Certificate of Proprietary Membership and, therefore, is not required to place any capital at risk in connection with obtaining access to Exchange facilities. Access Participants are not subject to liens securing their indebtedness to the Exchange and have no economic stake in the Exchange which is affected by a change in the equity of the Exchange. The present activity of Access Participants amounts to less than 1% of the Exchange share and dollar volume.

The proposed rule change adopts provisions which recognize this limited financial and transactional involvement of Access Participants and are similar to the limitations imposed upon New York Stock Exchange Access Participants. (See Article 7, § 10 of the NYSE Constitution.)

Article VI, Section 3.2 relating to the Nominating Committee—The Proposed Rule Change will accomplish the objective of having the Nominating Committee appointed closer to the time during which it must perform its function of selecting nominees to the Board of Trustees, thereby resulting in the more efficient administration of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange belives that none of the Proposed Rule Changes will impose any burden on competition and that the Proposed Rule Change increasing the number of Proprietary Memberships will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Members were given the opportunity to comment on the Proposed Rule Changes before and during the Exchange's Membership Meeting on June 7, 1984. Although no written comments were solicited or received, Proprietary Members who voted, did so unanimously in favor of each proposed change. The twenty Access Participants who voted did so in favor of each proposed change with the exception that one Access Participant voted against each of the two proposals which related to Access Participants.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory

organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 6, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 9, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21784 Filed 8-15-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21226; File No. SR-PHLX 84-13]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.; Relating to Options Floor Procedure Advices

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 11, 1984, Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange proposes amendments that would establish a series of Options Floor Procedure Advices ("Advices"). The Advices are intended to clarify and consolidate various options trading rules and operational floor procedures for specialists, registered options traders ("ROTS"), and floor brokers and to establish a fine schedule for violation of them. The Statement of Purpose in Item II(A) below contains a description and summary of the terms of substance of the proposed rule changes.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to clarify and consolidate various options trading rules and trading and operational procedures for specialists, ROT's and floor brokers and establish a fine schedule for violation of them. The PHLX will enforce compliance with the Floor Procedure Advices pursuant to PHLX Rules 960.1–960.12. While ordinarily a finding of a violation of a particular Floor Procedure Advice will result in the appropriate pre-set fine, the PHLX reserves the right to impose higher fines and other sanctions if the facts surrounding the violation would warrant such action.

The Floor Procedure Advices are divided into six sections relating in general to specialists, ROTs, floor brokers, errors, staffing and miscellaneous procedures.

Section A pertains to specialists and specificies the scope of the specialist's responsibility with regard to displaying bids and offers both on the book and in the crowd, the types of orders which a specialist is required to accept as well as those which he may and may not accept, requesting a market from a ROT, calling for additional ROTs to enter the trading crowd, and computing trading activity under Rule 1014, Commentaries .03 and .14, for specialists who are also ROTs. In addition, Section A defines all or none orders and when and how they should be announced in the trading crowd. The particular procedure for changing orders on the specialist book as well as the cut-off time for liability for orders placed on the book which should have been executed are also discussed in this section.

Section B of the Advices interprets and explains the provisions of Rule 1014 governing registered options traders with regard to on-floor and off-floor trading, priority and parity, agent-principal restrictions, required trading volume and activity in assigned classes, use of floor brokers and making a market. In addition, it specifies crowd positioning, the cut-off time for liability regarding mismatched trades and the denotation of closing and opening orders on tickets.

Section C interprets and explains the provisions of Rule 1014 regarding floor broker representation of customer and ROT orders and, in particular, proposed Rule 1065 (See SR–PHLX–84–10) regarding the prohibition on floor broker's representation of discretionary orders of ROTs. While a broker may not accept any discretionary order from an ROT pursuant to proposed Advice B–4 and may not execute or cause to be executed an order on the Exchange from a customer with respect to which he is vested with discretion as to the choice of the class of options to be bought or sold, the number of contracts to be bought or sold or whether any such transaction shall be one of purchase or sale pursuant to proposed Rule 1065, a floor broker is not prohibited from executing or causing to be executed an order from a customer with respect to which he is expressly vested by such customer with discretion as to the price at which options are to be bought or sold or as to the time at which such an order is to be executed. Further, this section addresses a floor broker's responsibility to time-stamp tickets and the scope of his liability for orders which he should have executed.

Section D specifies the nature of the specialist's and floor broker's liability for missed limit orders and non-liability for certain types of orders such as spread, straddle, combination orders and orders received after the opening rotation has commenced in the relevant series.

Section E pertains to the staffing requirements of the options floor prior to

the opening and closing of trading and after preliminary trade reports are distributed. Under the proposal, this staffing requirement would be eliminated from the list of regulations enforced pursuant to PHLX Rule 60 and instead would be enforced pursuant to Section E of the Advices.

Section F collects miscellaneous Advices relating to such matters as the proper marking of order tickets, matching and time stamping responsibility, and changes to material terms of a cleared trade.

A pre-set schedule has also been proposed for violations of the Advices. Generally, the fines increase for second and third violations of the same Advice. After the third or, in some cases, fourth violation, depending on the Advice violated, the Business Conduct Committee has discretion to impose the appropriate sanction. In addition, Phlx has reserved the right to impose higher fines and other sanctions for any violation of an Advice where the facts surrounding the violation would warrant such action.

The proposed rule change is based on section 6(b)(5) of the Securities Exchange Act ("Act") of 1934 which provides, in part, that the rules of the Exchange be "designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade . . . , facilitat[e] transactions in securities, . . . and, in general, to protect investor and the public interest. . ."

B. Self-Regulatory Organizations Statement on Burden on Competition

The Philadelphia Stock Exchange believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The PHLX has neither solicited nor received written comments on the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approved such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washinton, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 6, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21787 Filed 8-15-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21233; File No. SR-OCC-84-12]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change of Options Clearing Corporation

August 10, 1984.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on August 10, 1984, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this Order to solicit comments on the proposed rule change from interested persons and to approve the proposed rule change on an accelerated basis.

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 above-mentioned self-regulatory organization.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-OCC-84-12.

The proposed rule change would add new OCC Rule 402 to enable OCC, in extraordinary circumstances, to accept from a registered options exchange supplemental reports of matched trades for a given trade date. Those reports would reflect compared trades that were uncompared at the time original or prior supplemental trade reports were submitted to OCC by the exchange.[1] The proposal provides that if OCC accepts a supplemental trade report but already has assigned exercise notices tendered on trade date, OCC can: (1) Require clearing members to resubmit to OCC exercise notices previously tendered on trade date but rejected by OCC because the members did not have corresponding long options positions;[2] and (2) provide members with an opportunity to exercise certain long positions included in the supplemental trade report that are offset by a short position in the same account to which exercise notices tendered on trade date

[1] Currently, options exchanges must submit a single matched trade report to OCC by 1:00 a.m. following trade date. Based on this report, OCC updates its position records to reflect those trades, assigns to short options positions exercise notices properly tendered on trade date, and distributes updated reports to clearing members by 6:00 a.m. on the business day following trade date.

[2] For example, a clearing member makes an opening purchase transaction on trade date but the exchange cannot compare the trade by the time it submits to OCC the matched trade report because of extraordinary transaction volume. If the member attempts to exercise that position on trade date, OCC will reject the exercise notice because OCC records will not reflect the member's resulting long options position.

have been in effect erroneously assigned.[3]

The proposal provides that exercise notices accepted by OCC pursuant to the proposal will be deemed to have been filed on trade date. OCC will assign these exercise notices in a supplementary assignment procedure and the assigments will be effective as of the business day following trade date. The proposal further provides that premium and margin settlement for trades reflected in accepted supplemental trade reports will be made on the business day following trade date.

OCC states in its filing, and in an Interpretation and Policy to proposed OCC Rule 402, that the proposal will be used only in extraordinary circumstances, *e.g.*, where heavy trading volume creates large numbers of uncompared trades that cannot be matched and reported to OCC on a timely basis by options exchanges. OCC has indicated that it initially intends to use the proposal only on non-expiration weekends. OCC's filing states, however, that the proposal may be needed at any time, including weeknights, if system improvements make it feasible.

For the reasons stated below, the Commission finds that the proposed rule change is consistent with the requirements of the ACT and the rules and regulations thereunder applicable to OCC and, in particular, the requirements of Section 17A, and the rules and regulations thereunder. Moreover, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the publication date of this Order. The proposed rule change is a reasonable approach to the confusion experienced by OCC, its members and the options exchanges during the recent unprecedented surge in options trading. That surge caused a significant increase in the number of uncompared options trades at the options exchanges. Those uncompared trades, in turn, resulted in large numbers of rejected exercise notices and unanticipated assignments of exercise notices at OCC. The Commission believes that this confusion could recur in the near future and again could adversely affect the prompt and accurate clearance and settlement of securities transactions. On this basis, the Commission finds that approval of the proposed rule change on an accelerated basis is necessary for the protection of investors, the maintenance of fair and orderly markets, and the safeguarding of securities and funds. Thus, the Commission is approving the proposed rule change on an accelerated basis.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-21857 Filed 8-15-84; 8:45 am]

BILLING CODE 8010-01-M

[3] The proposal applies to long positions carried for marketmakers or specialists. The proposal also applies to long positions carried in a firm or customer account reported as closing purchase transactions in a supplemental trade report but deemed by OCC to be opening purchase transactions because the short position sought to be closed out had been assigned.

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of Reporting and Recordkeeping Requirements Submitted for OMB Review.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish notice in the **Federal Register** that the agency has made such a submission.

DATE: Comments must be received on or before August 31, 1984. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible.

Copies: Copies of forms, requests for clearance (S.F. 83), supporting statements, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency clearance officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538.

OMB reviewer: Kenneth B. Allen, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-3785.

Information Collection Submitted for Review

Title: Supplemental Guaranty Agreement
Frequency: On occasion
Description of Respondents: Lenders participating in SBA's Preferred Lenders Program
Annual Responses: 200
Annual Burden Hours: 2200
Type of Request: Emergency

Dated: August 13, 1984.

Elizabeth M. Zaic.

Chief, Information Resources Management Branch.

[FR Doc. 84-21830 Filed 8-15-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2158; Amdt. #3]

Disaster Loan Area; Nebraska

The above numbered declaration (49 FR 28500), Amendment #1 (49 FR 30391), and Amendment #2 (49 FR 31972) are amended in accordance with the amendment to the President's declaration of July 3, 1984, to include Richardson County and Thayer as an adjacent County in the State or Nebraska as a result of damage from tornadoes, severe storms, and flooding beginning on or about June 11, 1984. All other information remains the same, i.e., the termination date for filing applications for physical damage is the close of business on September 4, 1984, and for economic injury until the close of business on April 3, 1985.

(Catalog of Federal Domestic Assistance Program No. 59002 and 59008)

Dated: July 23, 1984.

Robert L. Belloni,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-21832 Filed 8-15-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 911]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 655 (44 FR 17846), March 23, 1979, the Department is submitting its March–July 1984 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article III(c)5 of the guidelines published

in the **Federal Register** on March 23, 1979.

Dated: August 2, 1984.

Kevin E. Carroll,

Director, Office of International Conferences.

United States Delegation to the Group of Rapporteurs, Committee of Experts on Transport of Dangerous Goods (31st Session), Economic and Social Council (UN), Geneva, March 12–16, 1984

Representative

Edward A. Altemos, Chief, International Standards, Office of Hazardous Materials Regulation, Department of Transportation

Alternate Representative

Charles W. Schultz, Chief, Sciences Branch, Office of Hazardous Materials Regulation, Department of Transportation

Advisers

John P. Aherne, Lieutenant, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
Charles H. Ke, Chemist, Office of Hazardous Materials Regulation, Department of Transportation

Private Sector Advisers

Norwin C. Derby, Vice President, Engineering, B.A.G. Corporation, Dallas, Texas
Douglas E. Klapper, Pennwalt Corporation, Buffalo, New York
Ronald C. Klein, E. I. DuPont de Nemours, Inc., Wilmington, Delaware
James R. Kolczynski, Akzo Chemie, Burt, New York

United States Delegation to the 27th Session of the Subcommittee on Radiocommunications, International Maritime Organization (IMO), London, March 12–16, 1984

Representative

Marshall E. Gilbert, Captain, Chief, Plans and Policy Division, United States Coast Guard, Department of Transportation

Alternate Representative

Richard L. Swanson, Marine Radio Policy Branch, United States Coast Guard, Department of Transportation

Advisers

Harvey Clew, Shipping Attache, United States Embassy, London
Gordon F. Hempton, Private Radio Bureau, Federal Communications Commission
William Luther, Field Operation Bureau, Federal Communications Commission
Robert C. McIntyre, Engineer, Federal Communications Commission

Private Sector Advisers

Charles Dorian, Washington, D.C.
John Fuechsel, National Ocean Industries Association, Washington, D.C.
Mark R. Johnson, American Institute of Merchant Shipping, Washington, D.C.

United States Delegation to the XXII Meeting of the Directing Council, Pan American Institute of Geography and History (PAIGH), Organization of American States (OAS), Santo Domingo, March 12–17, 1984

Representative

Clarence W. Minkel, Chairman of the U.S. National Section of PAIGH, University of Tennessee, Knoxville, Tennessee

Alternate Representative

Mark M. Macomber, Deputy Director for, Systems and Techniques, Defense Mapping Agency

Advisers

Frederick O. Diercks, Colonel, USA (ret.), Office of Charting and Geodetic Services, National Oceanic and Atmospheric Administration, Department of Commerce
Donald E. J. Stewart, U.S. Mission to the Organization of American States, Department of State

Private Sector Adviser

Robert N. Thomas, Department of Geography, Michigan State University, East Lansing, Michigan

United States Delegation to the Chemicals Group and Management Committee, Organization for Economic Cooperation and Development (OECD), Paris, March 20–22, 1984

Representative

Marcia Williams, Deputy Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency

Adviser

Ralph T. Ross, Office of Environment and Health, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
The appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Donald McCollister, Director, International Regulatory Affairs for Health and Environmental Sciences Department, The DOW Chemical Company, Midland, Michigan
Jacqueline Warren, Director of Toxic Substances Project, Natural Resources Defense Council, New York, New York

United States Delegation to the Tenth Meeting of the Visual Aids Panel, International Civil Aviation Organization (ICAO), Montreal, March 12–23, 1984

Member

Robert Bates, Office of Airport Standards, Federal Aviation Administration, Department of Transportation

Adviser

Louis C. Cusimano, Office of Flight Operations, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Louis P. Bartolotta, Helicopter Association International, Washington, D.C.
Joseph M. Schwind, Air Line Pilots Association, Washington, D.C.

United States Delegation to the UN Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting (Sixth Session), Economic and Social Council (ECOSOC), New York, New York, March 12–23, 1984

Representative

Clarence Staubs, Chief Accountant's Office, Securities and Exchange Commission

Alternate Representative

Daniel T. Fantozzi, Bureau of Economic and Business Affairs, Department of State

Private Sector Adviser

Ralph Walters, Touche, Ross and Company, New York, New York

United States Delegation to the 29th Session Working Party on Facilitation of International Trade Procedures, Economic Commission for Europe (ECE), Geneva, March 19–23, 1984

Representative

Harold B. Handerson, International Trade Division, Office of International Policy and Programs, Department of Transportation

Private Sector Adviser

Howard J. Henke, Executive Director, National Committee on International Trade Documentation, New York, New York

United States Delegation to the Meeting of CCITT Study Group XVII, International Telecommunication Union, Geneva, March 19–23, 1984

Representative

Thijs de Hass, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado

Adviser

Marshall L. Cain, National Communication System, Washington, D.C.

Private Sector Advisers

Richard P. Brandt, American Telephone and Telegraph Company, Basking Ridge, New Jersey
Laurence M. Smith, American Telephone and Telegraph Company Information Systems, Morristown, New Jersey
Virginius N. Vaughan, Consultant, Chatham, New Jersey

United States Delegation to the Fourth Diplomatic Conference on the Revision of the Paris Convention for the Protection of Industrial Property, World Intellectual Property Organization (WIPO), Geneva, February 27–March 24, 1984

Representative

The Honorable Gerald J. Mossinghoff, Commissioner of Patents and Trademarks, Department of Commerce

Alternate Representatives

Michael K. Kirk, Assistant Commissioner for Exernal Affairs, Patent and Trademark Office, Department of Commerce
Harvey J. Winter, Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State

Advisers

George Dempsey, United States Mission, Geneva
The Honorable Harrison H. Schmitt, Consultant, Department of Commerce
Lee Schroeder, Industrial Property Specialist, Patent and Trademark Office, Department of Commerce

Private Sector Advisers

Donald W. Banner, Schuyler, Banner, Birch, McKie and Beckett, Washington, D.C.
Robert B. Benson, Allis-Chalmers Manufacturing Company, Milwaukee, Wisconsin
Donald R. Dunner, Finnegan, Henderson, Farabow, Garrett and Dunner, Washington, D.C.
Larry W. Evans, Standard Oil Company, Cleveland, Ohio
Gabriel M. Frayne, Abelman, Frayne, Rezac and Schwab, New York, New York
W. Thomas Hofstetter, Partishall, McAuliffe and Hofstetter, Chicago, Illinois
John T. Lanahan, UOP Inc., Des Plaines, Illinois
Alan D. Lourie, Smith Kline Bechman Corp., Philadelphia, Pennsylvania
Leonard B. Mackey, ITT Corporation, New York, New York
Pauline Newman, FMC Corporation, Philadelphia, Pennsylvania
Lous T. Pirkey, Arnold, White and Durkee, Austin, Texas
Thomas F. Smegal, Jr., Townsend and Townsend, San Francisco, California
Richard C. Witte, Proctor and Gamble Company, Cincinnati, Ohio

United States Delegation to the Meeting of CCITT Study Group VII of the International Telecommunication Union, Geneva, March 26–30, 1984

Representative

Christine F. Ware, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado

Adviser

Marshall L. Cain, National Communication System, Washington, D.C.

Private Sector Advisers

Joan Bazley, Central Services Organization, Holmdel, New Jersey
Edward M. Blausten, ITT World Communications, Inc., New York, New York
Claude C. Kleckner, AT&T Communications, Basking Ridge, New Jersey
William S. Miller, IBM Corporation, Research Triangle Park, North Carolina
Theresa M. Shanahan, GTE Telenet Corporation, Vienna, Virginia

United States Delegation to the 49th Session of the Maritime Safety Committee (MSC), International Maritime Organization (IMO), London, April 2–6, 1984

Representative

Clyde T. Lusk, Jr., Rear Admiral, Chief, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

Daniel F. Sheehan, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Harvey Clew, Shipping Attache, United States Embassy, London
Gerard P. Yoest, International Affairs Staff, United States Coast Guard, Department of Transportation
Fritz Wybenga, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Private Sector Advisers

John Fay, Seafarers International Union of North America, AFL–CIO New York, New York
Donald C. Hintze, National Ocean Industries Association, Washington, D.C.

United States Delegation to the 13th Session of the Administrative and Legal Committee, 29th Session of the Consultative Committee, International Union for the Protection of New Varieties of Plants (UPOV), Geneva, April 4–6, 1984

Representative

Stanley D. Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Private Sector Advisers

Leo Donahue, Executive Director, National Association of Plant Patent Owners, Washington, D.C.
William Schapaugh, Executive Director, American Seed Trade Association, Washington, D.C.

United States Delegation, to the Steel Committee, Working Party Meeting, Organization for Economic Cooperation and Development (OECD), Paris, April 9–10, 1984

Representative

Donald Darroch, Director, Office of Basic Industries, Department of Commerce

Adviser

Jorge Perez-Lopez, Director, Division of Foreign Economics Research, Bureau of International Labor Affairs, Department of Labor

Private Sector Advisers

Frank Fenton, Vice President for Economics and Trade, American Iron and Steel Institute, Washington, D.C.
William Pendleton, Director of Corporate Affairs, Carpenter Technology Corporation, Reading, Pennsylvania
John Sheehan, Director, Legislative Department, United Steel Workers, Pittsburgh, Pennsylvania

Appropriate USOECD, Mission Officer, Paris

United States Delegation to the 21st Meeting of the North Atlantic Systems Planning Group, International Civil Aviation Organization (ICAO), Paris, April 2–13, 1984

Member

John Matt, Office of International Aviation, Federal Aviation Administration, Department of Transportation

Alternate Members

Nicholas Craddock, Air Traffic Service, Federal Aviation Administration, Department of Transportation
Jerald Davis, Office of Flight Operations, Federal Aviation Administration, Department of Transportation
Donald V. Schmidt, Air Traffic Service, Federal Aviation Administration, Department of Transportation

Private Sector Adviser

Richard Covell, Aeronautical Radio, Inc., Annapolis, Maryland

United States Delegation to the Commodities: International Coffee Organization (ICO), Council Session, London, April 2–13, 1984.

Representative

Rollinde Prager, Office of the U.S. Trade Representative, Executive Office of the President

Alternate Representative

Melvin Harrison, U.S. Embassy, London

Advisers

Ralph Ives, International Resources Division, Department of Commerce
Stephen Muller, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

Paul J. Keating, Director, General Foods Corporation, New York, New York
Andrew Scholtz, Presidetnt, Scholtz & Company, New York, New York
Marvin H. Schur, President, J. Aron & Company, New York, New York

United States Delegation to the Committee on International Investment and Multinational Enterprises, Working Group on Accounting Standards, Organization for Economic Cooperation and Development (OECD), Paris, April 24–27, 1984

Representative

Clarence Staubs, Deputy Chief Accountant, Securities and Exchange Commission

Alternate Representative

Daniel T. Fantozzi, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

Private Sector Adviser

Ralph Walters, Senior Partner, Touche Ross and Company, New York, New York

Adviser

Appropriate USOECD, Mission Officer, Paris

United States Delegation to the International Telecommunication Union (ITU), CCITT Study Group XI, Geneva, April 24–May 4, 1984

Representative

Thijs de Haas, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado

Adviser

Michael S. Slomin, Federal Communications Commission, Washington, D.C.

Private Sector Advisers

Thomas E. Browne, Bell Communications Research, Basking Ridge, New Jersey
Rolfe E. Buhrke, AT&T Laboratories, Naverville, Illinois
Eric Scace, STE Telenet Communications Group, Vienna, Virginia

United States Delegation to the Meeting of the North American Commission of the North Atlantic Salmon Conservation Organization (NASCO), Ottawa, May 3–4, 1984

Commissioners

The Honorable Allen E. Peterson, Jr. (Head of Delegation), Woods Hole, Massachusetts
The Honorable Richard Buck, Hancock, New Hampshire
The Honorable Frank Carlton, Savannah, Georgia

Advisers

Vaughn C. Anthony, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts
Joseph H. Kutkuhn, Associate Director for Fishery Resources, United States Fish and Wildlife Service, Department of the Interior
Larry L Snead, Deputy Director, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Private Sector Advisers

Spencer Appalonio, Commissioner, Department of Marine Resources, Augusta, Maine
Glenn H. Manuel, Commissioner, Department of Inland Fisheries and Wildlife, State of Mine

United States Delegation to the Intergovernmental Council of the International Program for the Development of Communication (Fifth Session), U.N. Educational, Scientific and Cultural Organization (UNESCO), Paris, May 3–10, 1984

Representative

William G. Harley, Consultant, Bureau of International Organization Affairs, Department of State

Alternative Representative

Jean, Soso, Bureau of International Organization Affairs, Department of State

Advisers

Clifford Block, Office of Science and Technology, Agency for International Development
Richard Ross, U.S. Mission to UNESCO, Paris
Paul Shapiro, Bureau of Educational and Cultural Affairs, United States Information Agency

Private Sector Advisers

Mary Ann Blatch, Reader's Digest Magazine, New York
Fred Casmir, Pepperdine University, Los Angeles, California

United States Delegation to the Meeting of the Committee on Administration, International Natural Rubber Organization (INRO), Kuala Lumpur, May 7, 8, and 11

Representative

Robert Pastorino, Chief, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Advisers

Donald M. Phillips, Director for Commodity Policy, Office of the U.S. Trade Representative, Executive Office of the President
James L. Gagnon, United States Embassy, Kuala Lumpur
Seward L. Jones, Office of International Sector Policy, International Resources Division, Department of Commerce

Private Sector Adviser

Howard Chapel, Managing Director, Goodyear Orient Private Ltd., Singapore

United States Delegation to the Meeting of the International Telegraph and Telephone Consultative Committee (CCITT), Study Group I, International Telecommunication Union (ITU), Geneva, May 7–15, 1984

Representative

Douglas V. Davis, Deputy International Telecommunications Adviser, Federal Communications Commission

Private Sector Advisers

Donald P. Casey, ITT Communications Services, Secaucus, New Jersey
Fred T. Kelly, Communications Satellite Corporation, Washington, D.C.
Robert J. Sanders, American Bell, Parsippany, New Jersey
Herman R. Silbiger, AT&T Informations Systems, Morristown, New Jersey
Frederick W. Voege, Western Union Telegraph Company, Upper Saddle River, New Jersey

United States Delegation to the Meeting of Study Group 9, International Radio Consultative Committee, International Telecommunication Union, Geneva, April 30–May 16, 1984

Representative

Alex C. Latker, Federal Communications Commission, Washington, D.C.

Advisers

Gerald F. Hurt, National Telecommunications and Information Administration, Department of Commerce
Richard E. Shrum, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

John F. Beckerich, Collins Radio Company, Dallas, Texas
Adolph Giger, Bell Telephone Laboratories, North Andover, Mass.
Michael Pagones, Bell Telephone Laboratories, Holmdel, New Jersey
William D. Rummler, Bell Telephone Laboratories, Holmdel, New Jersey

United States Delegation to the Meeting of Study Group 3, International Radio Consultative Committee (CCIR), International Telecommunication Union (ITU), Geneva, May 7–16, 1984

Representative

Jean E. Adams, Institute for Telecommunications Science, National Telecommunications and Information Administration, Department of Commerce

Adviser

Donald L. Zimmer, Navy Electromagnetic Spectrum Center, Department of the Navy

Private Sector Adviser

Herbert T. Blaker, Rockwell International, Arlington, Virginia

United States Delegation to the Meeting of the Joint Interim Working Party, International Radio Consultative Committee (CCIR), International Telecommunication Union (ITU), Geneva, May 9–16, 1984

Representative

Richard E. Shrum, Deputy Director, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State

Advisers

David Cohen, National Telecommunications and Information Administration, Department of Commerce
Ralph Haller, Mass Media Bureau, Federal Communications Commission
William A. Luther, Field Operations Bureau, Federal Communications Commission
Gerald J. Markey, Spectrum Engineering Division, Federal Aviation Administration

Private Sector Advisers

Harold Fink, Aeronautical Radio, Inc., Annapolis, Maryland
Ralph H. Justus, National Association of Broadcasters, Washington, D.C.
Hillyer Smith, Consultant, Aeronautical Radio, Inc., Annapolis, Maryland

United States Delegation to the Meeting of Study Group 4, International Radio Consultative Committee (CCIR), International Telecommunication Union (ITU), Geneva, April 30–May 18, 1984

Representative

James B. Potts, Consultant, COMSAT World Systems Division, Washington, D.C.

Alternative Representative

Thomas Tycz, Common Carrier Bureau, Federal Communications Commission

Advisers

William Hatch, National Telecommunications and Information Administration, Department of Commerce
William Long, Military Satellite Office, Defense Communication Agency
Steven Selwyn, Office of Science and Technology, Federal Communications Commission
Richard E. Shrum, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

Perry Ackerman, Hughes Aircraft Company, Los Angeles, California
Ronald J. Hall, GTE Spacenet, McLean, Virginia
Robert C. Harris, AT&T-Communications, Bedminister, New Jersey
Robert A. Hedinger, Spacecraft Systems Department, Bell Laboratories, Holmdel, New Jersey
Donald M. Jansky, Jansky Telecommunications, Washington, D.C.
Domenic La Banca, Military Satellite Systems, Sylvania Systems Group, GTE Products Corporation, Needham Heights, Massachusetts
Michael Mitchell, Satellite Business Systems, McLean, Virginia
Thomas M. Sullivan, Spectrum Analysis, ORI, Inc., Silver Spring, Maryland
David E. Weinreich, COMSAT Laboratories, Clarksburg, Maryland
Hans J. Weiss, COMSAT World Systems Division, Washington, D.C.
Leland B. Zahalka, GTE Laboratories, Waltham, Massachusetts
Roman Zaputowycz, Communications Systems Development, Western Union Telegraph Company, Upper Saddle River, New Jersey

United States Delegation to the Meeting of the INRO Council, Committee on Buffer Stock Operations, Committee on Statistics, and Committee on Other Measures, International Natural Rubber Organization (INRO), Kuala Lumpur, May 8–18, 1984

Representative

Donald M. Phillips, Director of Commodity Policy, Office of the U.S. Trade Representative, Executive Office of the President

Alternate Representative

Robert Pastorino, Chief, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Advisers

James Gagnon, United States Embassy, Kuala Lumpur
Seward L. Jones, Office of International Sector Policy, International Resources Division, Department of Commerce

Private Sector Adviser

Howard Chapel, Managing Director, Goodyear Orient Private Ltd., Singapore

United States Delegation to the International Conference on Liability and Compensation for Damage in Connection With the Carriage of Certain Substances at Sea, International Maritime Organization (IMO), London, April 30—May 25, 1984

Representatives

Bobby F. Hollingsworth, Rear Admiral (Chairman of Delegation), Chief, Office of Marine Environment and Systems, United States Coast Guard, Department of Transportation
Robert Blumberg (Vice Chairman of Delegation), Deputy Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternative Representatives

Frederick P. Burgess, Captain, Office of the Chief Counsel, United States Coast Guard, Department of Transportation
Charles R. Corbett, Captain, Office of Marine Environment and Systems, United States Coast Guard, Department of Transportation

Congressional Adviser

The Honorable, Mario Biaggi, United States House of Representatives

Advisers

A. James Barnes, General Counsel, Environmental Protection Agency
Harvey Clew, Shipping Attache, United States Embassy, London
Geoffrey R. Greiveldinger, Office of the Legal Adviser, Department of State
Michael Morrissette, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
Frederick D. Presley, Office of Chief Counsel, United States Coast Guard, Department of Transportation
Robert J. Reining, Commander, Office of Chief Counsel, United States Coast Guard, Department of Transportation
Alan B. Sielen, Director of Multilateral Staff, Office of International Activities, Environmental Protection Agency

Congressional Staff Advisers

Brooks J. Bowen, Minority Counsel, Merchant Marine and Fisheries Committee, United States House of Representatives
Rudolph V. Cassani, Counsel, Subcommittee on Merchant Marine, United States House of Representatives
Robert F. Hurley, Staff Member, Committee on Environment and Public Works, United States Senate
Duncan C. Smith, III, Minority Counsel, Subcommittee on Coast Guard and Navigation, United States House of Representatives

Private Sector Advisers

David M. Bovet, Temple, Barker and Sloane, Inc., Lexington, Massachusetts
David W. Carroll, Chemical Manufacturers Association, Washington, D.C.
Ernest J. Corrado, American Institute of Merchant Shipping, Washington, D.C.
Clifton E. Curtis (May 6–19), Center for Law and Social Policy, Washington, D.C.
Robert J. Meyers, Exxon Shipping Company, U.S.A., Houston, Texas
Sidney A. Wallace, Rear Admiral (Ret.), Maritime Law Association, Washington, D.C.

United States Delegation to the Insurance Committee and Joint Working Group of the Insurance Committee and the Committee on Invisible Transactions, Organization for Economic Cooperation and Development (OECD), Paris, May 22–25, 1984

Representative

Brant Free, Director, Office of Service Industries, Department of Commerce

Private Sector Advisers

Bruce Foudree, Commissioner of Insurance, State of Iowa, Des Moines, Iowa
Richard J. Holt, Senior Vice President, World Services Group, Marsh and McLannan Inc., New York, New York
Ronald K. Shelp, Vice President and Director, American International Underwriters Corporation, New York, New York

United States Delegation to the First Annual Meeting of the Council, North Atlantic Salmon Conservation Organization (NASCO), Edinburgh, May 21–26, 1984

Commissioners

The Honorable Allen E. Peterson, Jr. (Head of Delegation), Woods Hole, Massachusetts
The Honorable, Richard Buck, Hancock, New Hampshire
The Honorable Frank Carlton, Savannah, Georgia

Advisers

Vaughn C. Anthony, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts
Barry Kefauver, Executive Director, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Joseph H. Kutkuhn, Associate Director for Fishery Resources, United States Fish and Wildlife Service, Department of the Interior
Daniel Reifsnyder, Office of Oceans and Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Norman A. Singer, Consul General, United States Consulate General, Edinburgh

Private Sector Advisers

Spencer Appalonio, New England and Fishery Management Council, Saugus, Massachusetts
Glenn H. Manuel, Commissioner, Department of Inland Fisheries and Wildlife, Augusta, Maine

United States Delegation to the Joint Study Group Meeting CMV (Vocabulary), International Telephone and Telegraph Consultative Committee (CCITT) and International Radio Consultative Committee (CCIR), International Telecommunication Union (ITU) Geneva, May 21–31, 1984

Representative

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Alternate Representative

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Wendall R. Harris, Common Carrier Bureau, Federal Communications Commission
William A. Luther, Field Operations Bureau, Federal Communications Commission

Private Sector Adviser

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United States Delegation to the Meeting on Antarctic Mineral Resources, Tokyo, May 21–31, 1984

Representative

R. Tucker Scully, Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

John C. Behrendt, United States Geological Survey, Denver, Colorado

Robert Hofman, Scientific Program Director, Marine Mammal Commission
Clay Nettles, Office of Marine and Polar Affairs, Bureau of Economic and Business Affairs, Department of State
John B. Rigg, Assistant Director for Offshore Minerals Management, Minerals Management Service, Department of the Interior
David R. Telleen, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
James G. Winchester, Associate Administrator, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

James K. Jackson, Office of the General Counsel, American Petroleum Institute, Washington, D.C.
Lee Kimball, International Institute for Environment and Development, Washington, D.C.
Robert Rutford, President, University of Texas, Dallas, Texas

United States Delegation to the Meeting of the International Telephone and Telegraph Consultative Committee, Study Group XVIII, International Telecommunication Union (ITU), Geneva, May 24–June 1, 1984

Representative

Thijs de Hass, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado

Alternative Representative

Wendell R. Harris, Federal Communications Commission, Washington, D.C.

Private Sector Advisers

Warren Gifford, Bell Communications Research, Holmdel, New Jersey
Henry L. Marchese, AT&T, Basking Ridge, New Jersey
Demosthenes J. Kostas, GTE Service Group, Stamford, Connecticut

United States Delegation to the Fourth Session of the Joint UNESCO/IOC–WMO–CPPS Working Group on the Investigations of "El Nino", Intergovernmental Oceanographic Commission (IOC), Lima, May 31–June 2, 1984

Representative

Donald V. Hansen, Altantic Oceanographic and Meteorological Laboratories, National Oceanic and Atmospheric Administration, Department of Commerce, Miami, Florida

Alternative Representative

Kenneth A. Mooney, Office of Climatic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Richard F. Garrard, Computer Sciences Corporation, Bay St. Louis, Mississippi

United States Delegation to the Meeting of Study Group 8; International Radio Consultative Committee (CCIR), International Telecommunication Union (ITU); Geneva, May 17–June 6, 1984

Representative

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Advisers

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Joseph Hersey, Frequency Staff, U.S. Coast Guard
Henry W. Holsopple, Navy Electromagnetic Spectrum Center, Department of the Navy
William Long, Military Satellite Office, Defense Communication Agency
William A. Luther, Field Operations Bureau, Federal Communications Commission
Fred Matos, National Telecommunications and Information Administration, Department of Commerce
Robert C. McIntyre, Aviation and Marine Division, Federal Communications Commission
John E. Miller, Office of Communications, National Aeronautics and Space Administration
Lawrence M. Palmer, Office of Science and Technology, Federal Communications Commission
Walter A. Pappas, Frequency Staff, U.S. Coast Guard
Frank L. Rose, Office of Science and Technology, Federal Communications Commission
Richard E. Shrum, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State
Michael S. Singer, Spectrum Management, Federal Aviation Administration, Department of Transportation
Richard Swanson, Frequency Staff, U.S. Coast Guard, Department of Transportation

Private Sector Advisers

William M. Borman, Motorola, Inc., Washington, DC
Theodore Brenig, General Electric Company, Lynchburg, Virginia
Charles Dorian, American Radio Relay League, Washington, DC
Andrew W. Hutnik, AT&T Communications, Morristown, New Jersey
Yarosalav Kaminsky, The Mitre Corporation, McLean, Virginia
Joseph R. Morin, TRACTOR, Inc., Falls Church, Virginia
Philip T. Porter, Bell Laboratories, Holmsdel, New Jersey
Franklin L. Shilling, Aeronautical Radio, Inc., Annapolis, Maryland
Thomas M. Sullivan, ORI, Inc., Silver Spring, Maryland

United States Delegation to the Meeting of Study Group III, International Telephone and Telegraph Consultative Committee International Telecommunication Union (ITU), Kyoto, May 31–June 8, 1984

Representative

Earl S. Barbely, Director, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State

Adviser

Kenneth A. Levy, Common Carrier Bureau, Federal Communications Commission

Private Sector Advisers

Denis J. Cotter, Tymnet, Inc., Vienna, Virginia
Wendell E. Lind, AT&T Communications, Bedminster, New Jersey
John O'Boyle, ITT Work Communications, Inc., Secaucus, New Jersey
Philip Onstad, Control Data Corporation, Washington, D.C.
Denis W. O'Shea, IBM Corporation, Armonk, New York
Beverly Ann Sincavage, GTE Telenet Communications Corporation, Vienna, Virginia
Carmine Taglialatela, RCA Communications, Inc., New York, New York
Frederick W. Voege, Western Union Telegraph Company, Upper Saddle River, New Jersey

Joseph O. Wellington, Communications Satellite Corporation, Washington, D.C.
Kathleen M. White, Citibank, N.A., New York, New York

United States Delegation to the 13th Session of the Subcommittee on Bulk Chemicals, International Maritime Organization (IMO), London, June 4–8, 1984

Representative

Thomas R. Dickey, Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Alternate Representative

Fritz Wybenga, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Adviser

Harvey Clew, Shipping Attache, United States Embassy, London
Michael D. Morrissette, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation
Emmanuel P. Pfersich, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Private Sector Advisers

Frederick R. Adamchak, Senior Petroleum Engineer, Marathon Oil Company, Findlay, Ohio
Robert H. Conn, Jr., Marine Engineer, Shell Oil Company, Houston, Texas

United States Delegation to the Conference on Environment and Economics, Organization for Economic Cooperation and Development (OECD), Paris, June 18–21, 1984

Representative

The Honorable William Ruckelshaus (Chairman), Administrator, Environmental Protection Agency

Alternative Representatives

The Honorable Danny J. Boggs (Vice Chairman), Deputy Secretary of Energy
Mary Rose Hughes, Deputy Assistant Secretary for Environment, Health and Natural Resources, Department of State
Milton Russell, Assistant Administrator for Policy, Planning and Evaluation, Environmental Protection Agency

Advisers

Fitzhugh Green, Associate Administrator for International Activities, Environmental Protection Agency
Theodore Harris, Office of Environmental Analysis, Department of Energy
Robert T. Miki, Office of the Chief Economist, Department of Commerce
Richard Morgenstern, Director, Office of Policy Analysis, Environmental Protection Agency
Robert A. Reinstein, Director, Energy and Chemical Trade Policy, Office of the U.S. Trade Representative, Executive Office of the President
Martin L. Smith, Senior Policy Analyst, Office of Policy Development, The White House

Private-Sector Advisers

Edwin H. Clark II, Senior Associate, The Conservation Foundation, Washington, D.C.
Stephen B. Hamilton, Jr., Chairman, Committee on Environment, U.S. Business and Industry Advisory Committee to the OECD, New York, New York

United States Delegation to the 36th Annual Meeting of the International Whaling Commission (IWC) and Associated Meetings, Buenos Aires, June 11–22, 1984

Representative

The Honorable John V. Byrne, United States Commissioner and Administrator, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

The Honorable Christian Herter, Jr., Deputy U.S. Commissioner, Washington, D.C.

Congressional Adviser

The Honorable Mervyn M. Dymally, United States House of Representatives

Congressional Staff Adviser

Jacquelyn M. Westcott, Legislative Adviser, Merchant Marine and Fisheries Committee, United States House of Representatives

Advisers

Howard Braham, National Marine Fisheries Service, National Marine Mammal Laboratory, National Oceanic and Atmospheric Administration, Department of Commerce
Anne Crichton, Office of the Solicitor, Department of the Interior
William E. Evans, Chairman-designate, Marine Mammal Commission
Claudia D. Kendrew, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Robert J. McManus, General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce
Dean Swanson, Office of International Fisheries Affairs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Edward E. Wolfe, Deputy Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Private Sector Advisers

Marie Adams, Executive Director, Alaska Eskimo Whaling Commission, Barrow, Alaska
Edward Asper, Vice President and General Curator, Sea World of Florida, Miami, Florida
Douglas G. Chapman, College of Fisheries, University of Washington, Seattle, Washington
Robert Eisenbud, Environmental Consultant, Washington, D.C.
Richard Ellis, National Audubon Society, New York, New York
Maxine McCloskey, Executive Director, Whale Center, Oakland, California
John Oktollik, Chairman, Alaska Eskimo Whaling Commission, Village of Point Hope, Alaska

United States Delegation to the Commodities, International Rubber Study Group (IRSG), London, June 18–22, 1984

Representative

Frederick W. Siesseger, Director, International Resources Division, Department of Commerce

Adviser

Melvin Harrison, U.S. Embassy, London

Private Sector Advisers

Collier W. Baird, President, Baird Rubber Trading Company, Inc., New York, New York
Eric P. Bierrie, President, United Baltic Corporation, New York, New York
Thomas E. Cole, Vice President, Rubber Manufacturers Association, Washington, D.C.
Donald A. Ensminger, General Manager, Plantation Operations, Goodyear Tire and Rubber Company, Akron, Ohio
Warren Heilbron, President, Imperial Commodities Corporation, New York, New York
Angelo L. Miglietta, Director, Plantation Operations, Uniroyal, Inc., Akron, Ohio
Ival S. Wilson, Manager, Rubber Purchases, Firestone Corporation, Akron, Ohio

United States Delegation to the U.N. Commission on Transnational Corporations, Economic and Social Council (ECOSOC), New York, June 11–27, 1984

Representative

Richard J. Smith (June 20–29), Deputy Assistant Secretary, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Philip T. Lincoln (June 11–20), Director, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

Advisers

Dennis Goodman, United States Mission to the United Nations, New York
Daniel Fantozzi (June 18–29), Bureau of Economic and Business Affairs, Department of State
James Hackney, Office of the Legal Adviser, Department of State
Irmgard Neumann (June 25–29), Office of International Finance and Investment, Department of Commerce
Conrad Oullette (June 18–22), Office of International Investment, Department of the Treasury
Beverly Vaughn (June 25–29), Office of the United States Trade Representative, Executive Office of the President

Private Sector Adviser

Ralph A. Weller, Vice President, Otis Elevator Company, New York

United States Delegation to the International Wheat Council, 100th Session, and the Food Aid Committee, 47th Session, Ottawa, June 25–27, 1984

International Wheat Council, June 25–26, 1984

Representative

The Honorable Daniel G. Amstutz, Under Secretary for International Affairs and Commodity Programs, Department of Agriculture

Alternate Representatives

Gerald J. Monroe, Director, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State
Donald J. Novotny, Director, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture
Frank J. Piason, Deputy Director for Marketing, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture

Advisers

Alexander Bernitz, Agricultural Counselor, United States Embassy, Ottawa
Michael Goldman, Food Policy Division, Bureau of Economic and Business Affairs, Department of State
David McGuire, Agricultural Attache, United States Embassy, Ottawa

Private Sector Advisers

Nelson Denlinger, Vice President, U.S. Wheat Associates, Washington, D.C.
Timothy Oviatt, Director, Market Analysis, U.S. Wheat Associates, Washington, D.C.
Earl Pryor, President, National Association of Wheat Growers, Candon, Oregon
Carl Schlunk, Chairman, North American Export Grain Association, New York, New York
John Stevenson, President, National Corn Growers Association, Washington, D.C.
William Starkey, Former Chairman, International Wheat Council, Laytonsville, Maryland

Food Aid Committee, June 27, 1984

Representative

Gerald J. Monroe, Director, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State

Alternate Representatives

Michael Goldman, Food Policy Division, Bureau of Economic and Business Affairs, Department of State
Donald J. Novotny, Director, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture

Advisers

David McGuire, Assistant Agricultural Attache, United States Embassy, Ottawa
Frank Piason, Deputy Director for Marketing, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture

United States Delegation to the UN Commission on Transitional Corporations, Economic and Social Council (ECOSOC), New York, New York, June 11–29, 1984

Representative

Richard J. Smith (June 20–29), Deputy Assistant Secretary, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Philip T. Lincoln (June 11–20), Director, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

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Daniel Fantozzi (June 18–29), Bureau of Economic and Business Affairs, Department of State
James Hackney, Office of the Legal Adviser, Department of State
Arthur J. McMahon (June 18–22), Office of International Investment, Department of the Treasury
Irmgard Neumann (June 25–29), Office of International Finance and Investment, Department of Commerce
Beverly Vaughn (June 25–29), Office of the United States Trade Representative, Executive Office of the President

Private Sector Adviser

Cecil J. Olmstead, Steptoe and Johnson, Washington, D.C.
Ralph A. Weller, Vice President, Otis Elevator Company, New York, New York

United States Delegation to the International Sugar Negotiation Conference, United Nations Conference on Trade and Development (UNCTAD), Geneva, June 12–29, 1984

Representative

The Honorable Peter O. Murphy, Office of the Deputy U.S. Trade Representative, Geneva

Alternate Representative

Rollinde Prager, Office of the U.S. Trade Representative, Executive Office of the President

Advisers

Jack G. Ferraro, United States Mission, Geneva
Ralph Ives, Primary Commodities Division, International Trade Administration, Department of Commerce
Bonnie Lincoln, Tropical Products Division, Bureau of Economic and Business Affairs, Departnment of State
John Nuttall, Chief, Sugar Group, Horticultural and Tropical Products, Foreign Agricultural Service, Department of Agriculture
Anthony Wallace, United States Embassy, London

Private Sector Advisers

June 12–26

Nicholas Kominus, President, United States Cane Sugar Refiners Association, Washington, D.C.
Edward J. Neville, Sales Manager, Colonial Sugars, Inc., Mobile, Alabama

June 18–22

Margaret O. Blamberg, American Sugar Division, AMSTAR Corporation, New York, New York
David Carter, President, U.S. Beet Sugar Association, Washington, D.C.
Eiler Ravnholt, Vice President, Hawaiian Sugar Planters' Association, Washington, D.C.

June 24–29

Kim Badenhop, General Food Corporation, White Plains, New York
Walter Cornell, Senior Vice President, Amerop Sugar Corporation, Englewood Cliffs, New Jersey
Horace Godfrey, President, Godfrey Associates, Washington, D.C.
Joel C. Williams, Jr., Attorney, Savannah Foods and Industries, Inc., Savannah, Georgia

United States Delegation to the 36th Session of the Subcommittee on the Carriage of Dangerous Goods, International Maritime Organization (IMO), London, June 25–29, 1984

Representative

Robert L. Storch, Jr., Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Alternate Representative

John P. Aherne, Lieutenant, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Advisers

Edward A. Altemos, International Standards Coordinator, Materials Transportation Bureau, Department of Transportation
Harvey Clew, Shipping Attache, United States Embassy, London
Frank Thompson, Jr., Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Private Section Advisers

Donald W. Gates, Captain, National Cargo Bureau, Inc., New York, New York
Susan Saltzman, E.I. du Pont de Nemours & Co., Inc., Wilmington, Delaware

United States Delegation to the Steel Committee, Working Party, Organization for Economic Cooperation and Development (OECD), Paris, July 4–5, 1984

Representative

Ralph F. Thompson, Jr., Acting Director, Office of Basic Industries, Department of Commerce

Adviser

Jorge Perez-Lopez, Deputy Director, Office of International Economic Affairs, Department of Labor
Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Frank Fenton, Vice President for Economics and Trade, American Iron and Steel Institute, Washington, D.C.
Peter Mulloney, Vice President, U.S. Steel Corporation, Pittsburgh, Pennsylvania
John J. Sheehan, Director, Legislative Department, United Steel Workers, Pittsburgh, Pennsylvania

United States Delegation to the 17th Session of the Subcommittee on Standards of Training and Watchkeeping, International Maritime Organization (IMO), London, July 9–13, 1984

Representative

Richard A. Sutherland, Captain, Chief, Merchant Vessel Personnel Division, United States Coast Guard, Department of Transportation

Alternate Representative

John J. Hartke III, Merchant Vessel Personnel Division Staff, United States Coast Guard, Department of Transportation

Advisers

Harvey Clew, Shipping Attache, United States Embassy, London
Arthur W Friedberg, Director, Office of Maritime Labor and Training, Maritime Administration, Department of Transportation
George N. Naccara, Lieutenant Commander, Chief, Personnel Qualifications Branch, Merchant Vessel Personnel Division, United States Coast Guard, Department of Transportation
William A. Luther, International Adviser, Field Operations Bureau, Federal Communications Commission

Private Sector Adviser

John Fay, Seafarers International Union of North America, AFL–CIO, New York, New York

United States Delegation to the First Meeting of the Committee on Future Air Navigation Systems (FANS), International Civil Aviation Organization (ICAO), Montreal, July 9–13, 1984

Member

Siegbert B. Poritzky, Office of the Associate Administrator for Development and Logistics, ADL–30, Federal Aviation Administration, Department of Transportation

Advisers

John Cittadino, Director, Theatre and Tactical Command, Control and Communication, Office of the Secretary of Defense, Department of Defense
Victor Foose, Technical Liaison Staff, Federal Aviation Administration, Department of Transportation
Willard H. Reazin, Chief, Procedures Division, Federal Aviation Administration, Department of Transportation

Private Sector Adviser

Raymond J. Hilton, Air Transportation Association of America, Washington, DC

United States Delegation to the International Radio Consultative Committee (CCIR), Conference Preparatory Meeting (CPM) for the 1985/88 Space WARC, International Telecommunication Union (ITU), Geneva, June 25–July 20, 1984

Chairman

Harold Kimball, Executive Director for Space WARC, Office of the Coordinator, International Communication and Information Policy, Department of State

Vice Chairmen

Edward R. Jacobs, Chief, International Staff, Office of Science and Technology, Federal Communications Commission
Richard E. Shrum, Deputy Director, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State
Francis Urbany, Special Assistant for International Affairs, National Telecommunications and Information Administration, Department of Commerce

Senior Advisers

Richard Parlow, Associate Administrator, National Telecommunications and Information

Administration, Department of Commerce
Anthony M. Rutkowski, International Staff Coordinator for Space WARC and CPM, Office of Science and Technology, Federal Communications Commission

Advisers

Jennifer Gregg, Political Officer, U.S. Mission, Geneva
William Hatch, Chief, Spectrum Engineering Branch, National Telecommunications and Information Administration, Department of Commerce
Gordon Hempton, Senior Communications Specialist, Federal Communications Commission
Gerald F. Hurt, Chief, Spectrum Analysis Branch, National Telecommunications and Information Administration, Department of Commerce
John Kiebler, Senior Communications Engineer, Office of Space Science and Applications, National Aeronautics and Space Administration
Alex Latker, Special Assistant, Common Carrier Bureau, Federal Communications Commission
Ronald Lepkowski, Chief, Domestic Satellite Radio Branch, Common Carrier Bureau, Federal Communications Commission
William Long, Senior Staff Engineer, Defense Communications Agency, Department of Defense
Robert May, Special Assistant, Air Force Frequency Management Center
Vernon McConnell, DOD Frequency Manager, Department of Defense
Steven Selwyn, International Staff Adviser, Office of Science and Technology, Federal Communications Commission
Gilbert Sheinbaum, Telecommunications Attache, U.S. Mission, Geneva
Donald C. Tice, Office of the Coordinator, International Communication and Information Policy, Department of State
Thomas Walsh, International Staff Senior Engineer, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Perry Ackerman, Manager, Systems Engineering Laboratory, Hughes Aircraft Company, Los Angeles, California
John F. Clark, Director, Space and Applications Technology, RCA Corporation, Princeton, New Jersey
Stephen Doyle, Director, Strategic Planning, Aerojet Liquid Rocket Company, Shingle Springs, California
O.C. Foster, Radio and Satellite Standrds, AT&T Communications, Basking Ridge, New Jersey
Richard Gould, Telecommunications Systems, Inc., Washington, D.C.
Donald M. Jansky, President, Jansky Telecommunications, Inc., Washington, D.C.
Michael Mitchell, Senior Regulatory Engineer, Statellite Business Systems, McLean, Virginia
James F. Potts, Consultant, Comsat World Systems Division, Washington, D.C.
S.E. Probst, Senior Associate Spectrum Engineering, Systematics General Corporation, Sterling, Virginia
Edward Reinhart, Director, Spectrum Management, Satellite Television Corporation, Washington, D.C.
Hans Weiss, Senior Director, R&D Policy and ITU Matters, Comsat Corporation, Washington, D.C.
Roman Zaputowycz, Director, Communications Systems Planning, Western Union Telegraph Company, Upper Saddle River, New Jersey

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BILLING CODE 4710-19-M

DEPARTMENT OF THE TREASURY

[Supplement to Department Circular; Public Debt Series—No. 22-84]

Notes; Series P-1987

August 8, 1984.

The Secretary announced on August 7, 1984, that the interest rate on the notes designated Series P-1987, described in Department Circular—Public Debt Series—No. 22-84 dated August 2, 1984, will be 12⅜ percent. Interest on the notes will be payable at the rate of 12⅜ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 84-21746 Filed 8-15-84; 8:45 am]
BILLING CODE 4810-40-M

[Supplement to Department Circular; Public Debt Series—No. 23-84]

Notes; Series B-1994

August 9, 1984.

The Secretary announced on August 8, 1984, that the interest rate on the notes designated Series B-1994, described in Department Circular—Public Debt Series—No. 23-84 dated August 2, 1984, will be 12⅝ percent. Interest on the notes will be payable at the rate of 12⅝ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 84-21747 Filed 8-15-84; 8:45 am]
BILLING CODE 4810-40-M

[Supplement to Department Circular; Public Debt Series—No. 24-84]

Bonds of 2009-2014

August 10, 1984.

The Secretary announced on August 9, 1984, that the interest rate on the bonds designated Bonds of 2009-2014, described in Department Circular—Public Debt Series—No. 24-84, dated August 2, 1984, will be 12½ percent. Interest on the bonds will be payable at the rate of 12½ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 84-21748 Filed 8-15-84; 8:45 am]
BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 160
Thursday, August 16, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, August 13, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a professional services contract.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsection (c)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2)).

Dated: August 13, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-21892 Filed 8-14-84; 11:15 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, August 13, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Lake City Bank, Warsaw, Indiana, an insured State nonmember bank, for consent to merge, under its charter and title, with State Exchange Bank, Roann, Indiana, and for consent to establish the main office and sole branch of State Exchange Bank as branches of the resultant bank.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: August 13, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-21893 Filed 8-14-84; 11:15 am]

BILLING CODE 6714-01-M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10:00 a.m., Thursday, August 23, 1984.

PLACE: Board Room, 6th Floor, 1700 G St., NW., Washinton, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6677).

MATTERS TO BE CONSIDERED:

Net Worth Certificates
Amendments Regarding Corporate Titles of Federal Associations and Advertising of Insured Institutions

John F. Ghizzoni,

Assistant Secretary.

August 13, 1984.

[FR Doc. 84-21882 Filed 8-14-84; 10:39 am]

BILLING CODE 6720-01-M

4

INTERNATIONAL TRADE COMMISSION

[USITC SE-84-39]

TIME AND DATE: 11:00 a.m., Monday, August 27, 1984.

PLACE: Room 117, 701E 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. Floppy disk drives and components (Docket No. 1086).
5. Investigation 731-TA-199 [Preliminary] (Certain Dried Salted Codfish from Canada)—briefing and vote.
6. Investigation 731-TA-200 [Preliminary] (Radial Ply Tires for Passenger Cars from the Republic of Korea)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-21947 Filed 8-14-84; 3:51 pm]

BILLING CODE 7020-02-M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE-84-40]

TIME AND DATA: 9:30 a.m., Tuesday, August 28, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigation 731-TA-159 [Final] (Certain Steel Wire Rod from Poland)—briefing and vote.
2. Investigation 731-TA-148 [Final] (Fresh Cut Roses from Columbia)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-21948 Filed 8-14-84; 3:51 pm]

BILLING CODE 7020-02-M

6

POSTAL RATE COMMISSION

TIME AND DATE: Periodic meetings scheduled on short notice during the business day in the period August 20-31, 1984.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The interlocutory matters in Docket No. R84–1, Postal Rate and Fee Changes.

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.

[FR Doc. 84–21916 Filed 8–14–84; 2:16 pm]
BILLING CODE 7715–01–M

7

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of August 20, 1984, at 450 Fifth Street, NW., Washington, D.C.

A closed meeting will be held on Tuesday, August 21, 1984, at 10:00 a.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Treadway, Cox and Peters voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, August 21, 1984, at 10:00 a.m., will be:

Formal order of investigation.

Settlement of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Opinion.

At times changes in Commission Priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Alan Dye at (202) 272–2014.

George A. Fitzsimmons,

Secretary.

August 10, 1984.

[FR Doc. 84–21856 Filed 8–13–84; 4:31 pm]
BILLING CODE 8010–01–M

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Federal Register

Vol. 49, No. 160

Thursday, August 16, 1984

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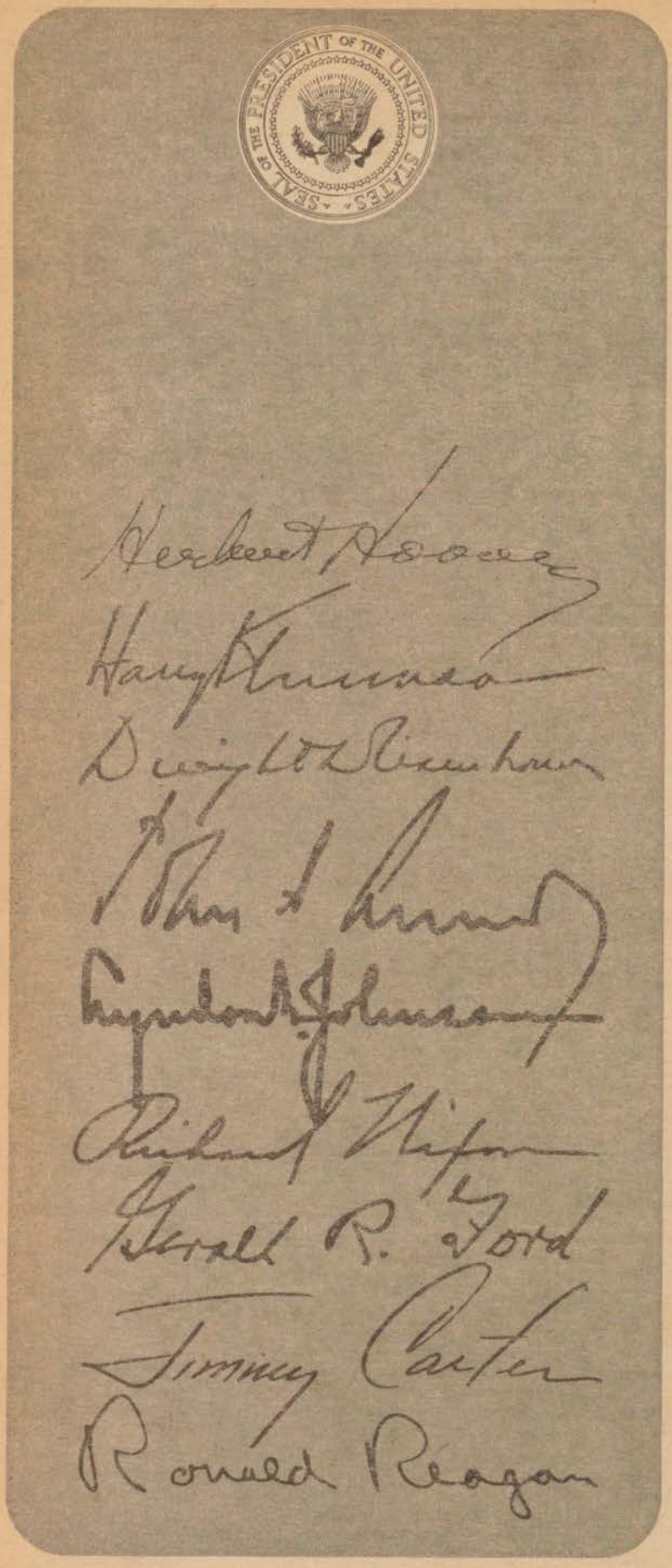

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